

3 JANUARY 1947

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Of

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662 Part 12	1891		Report of the Central Inves- tigation Committee re Prisoners of War		14162
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662 Part 12	1891		Report of the Central Inves- tigation Committee re Prisoners of War		14162
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8137	1890		Affidavit of James Hector Cole	14161	
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662 Part 12	1891		Report of the Central Inves- tigation Committee re Prisoners of War		14162
2662	1892		Report of Lieutenant Colonel Richard E. Rudisill, Chief, Investigation Division, Legal Section SCAP		14163
3172	1893		Affidavit of Captain Edward Eric Williamson	14165	
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8007A	1897-A		Excerpt therefrom		14172
8130	1898		Affidavit of Private Carl Edward Stegmaier	14173	
8130	1898-A		Excerpt therefrom		14173
8072A	1899		Affidavit of Corporal Morris Littman	14174	
8072A	1899-A		Excerpt therefrom		14174
8209	1900		Affidavit of Captain Winfield Scott Cunningham	14178	
8209	1900-A		Excerpt therefrom		14178
279	1901		Sworn Affidavit of Commander C.D. Smith	14179	
8279	1901-A		Excerpt therefrom		14179
8194	1902		Affidavit of Sergeant Harold J. Hogue	14184	
8194	1902-A		Excerpt therefrom		14184
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8193	1903-A		Excerpt therefrom		14185
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8123	1907		Affidavit of John B. L. Anderson	14188	
8123	1907-A		Excerpt therefrom		14189
8063	1908		Affidavit of John F. Bronner	14189	
8063	1908-A		Excerpt therefrom		14189
8004	1909		Affidavit of Sergeant Roger P. Bamford	14190	
8004	1909-A		Excerpt therefrom		14190
8450	1910		Certificate by Captain C. W. Willoughby, Assistant Chief of Criminal Registry Division, Legal Section, SCAP		14191
8004B	1911		Affidavit of Sergeant Roger Dick Bamford	14191	
8004B	1911-A		Excerpt therefrom		14191
8218	1912		Sworn Statement of Private James A. Gilbert	14192	
8218	1912-A		Excerpt therefrom		14192

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3206	1913		Sworn Statement of Corporal Herman Hall	14193	
3206	1913-A		Excerpt therefrom		14193
3312	1914		Sworn Statement of Corporal Floyd Herman Comfort	14194	
8312	1914-A		Excerpt therefrom		14194
8136	1915		Affidavit of Private Stephen M. Zivko	14195	
8136	1915-A		Excerpt therefrom		14195
8391	1916		Synopsis of Evidence - Japan		14197
8006	1917		Affidavit of Major Thomas H. Hewlett	14197	
3006	1917-A		Excerpt therefrom		14197
3022	1918		Affidavit of 1st Lieutenant John H. Allen	14200	
3022	1918-A		Excerpt therefrom		14200
3117	1919		Affidavit of Fusilier William Johnson	14202	
8117	1919-A		Excerpt therefrom		14202
8026	1920		Affidavit of Ian Douglas Newlands	14203	
8026	1920-A		Excerpt therefrom		14203

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2662 Part 23	1921		Report of the Japanese Central Investigation Committee re Prisoners of War dated 9 January 1946		14204
2662 Part 24	1922		Report of the Japanese Investigation Committee re Prisoners of War dated 26 December 1945		14209
2662 Part 27	1923		Report of the Japanese Investigation Committee re Prisoners of War dated 27 March 1946		14212
662 art 25	1924		Report of the Japanese Investigation Committee re treatment of Allied Air Force Personnel in the Western District of Japan dated 23 January 1946		14218
8223	1925		Affidavit of OGIUA, Yorio	14221	
8223	1925-A		Excerpt therefrom		14221
3285	1926		Affidavit of Staff Sergeant Marshall S. Shellhart	14223	
8285	1926-A		Excerpt therefrom		14223
8071	1927		Affidavit of Corporal John Bryan Lippard	14224	
8071	1927-A		Excerpt therefrom		14224
8263	1928		Affidavit of Gunner John Boud Mullins	14225	
8263	1928-A		Excerpt therefrom		14225

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8284	1929		Affidavit of Private Owen R. Kobert	14229	
8284	1929-A		Excerpt therefrom		14229
8051	1930		Affidavit of Corporal Alvin Louis Cwens	14230	
8051	1930-A		Excerpt therefrom		14230
8142	1931		Affidavit of Warrant Officer James Getley	14231	
8142	1931-A		Excerpt therefrom		14231
8016	1932		Affidavit of Lieutenant Cyril Edward Bucke	14232	
8016	1932-A		Excerpt therefrom		14232
8077	1933		Affidavit of Captain Arthur Laurence Maher	14233	
8077	1933-A		Excerpt therefrom		14233
8043	1934		Affidavit of William Rudolph Leibold	14235	
8043	1934-A		Excerpt therefrom		14235
8289	1935		Affidavit of George McRae	14235	
8289	1935-A		Excerpt therefrom		14236
8234	1936		Affidavit of Chief Boatswain's Mate Philip E. Sanders	14236	
8234	1936-A		Excerpt therefrom		14236

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8197	1937		Affidavit of Private Henry Horace Pawley	14239	
8197	1937-A		Excerpt therefrom		14239
8074	1938		Affidavit of Sergeant William Robert Linderfelt	14240	
8074	1938-A		Excerpt therefrom		14240
8291	1939		Affidavit of Sergeant Frank Edward Pick	14242	
8291	1939-A		Excerpt therefrom		14242
8078	1940		Affidavit of Staff Sergeant William Mahoney	14243	
8078	1940-A		Excerpt therefrom		14243
8095	1941		Affidavit of Sergeant Matthew David Monk	14244	
8095	1941-A		Excerpt therefrom		14244
8171	1942		Affidavit of Corporal Alexis J. Mott	14246	
8171	1942-A		Excerpt therefrom		14246
8118	1943		Affidavit of Lieutenant Colonel Robin Robertson Petrie	14247	
8118	1943-A		Excerpt therefrom		14247
8266	1944		Affidavit of Oliver Edwin George Roberts	14248	
8266	1944-A		Excerpt therefrom		14248

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8029	1945		Affidavit of Captain James Forbes Lawrence	14250	
8029	1945-A		Excerpt therefrom		14250
8082	1946		Sworn Statement of John H. Marshall	14251	
8082	1946-A		Excerpt therefrom		14251
8065	1947		Affidavit of Corporal Charles Eugene Maurer	14252	
8065	1947-A		Excerpt therefrom		14252
8104	1948		Affidavit of Alexander Meredith	14253	
8104	1948-A		Excerpt therefrom		14253
8203	1949		Affidavit of Lance Sergeant Arnold Fraser Caddy	14254	
8203	1949-A		Excerpt therefrom		14254
8119	1950		Affidavit of Major Francis J. Murray	14255	
8119	1950-A		Excerpt therefrom		14255
8116	1951		Affidavit of Captain Allan Berkeley	14257	
8116	1951-A		Excerpt therefrom		14257
8161	1952		Affidavit of John William Viney	14258	
8161	1952-A		Excerpt therefrom		14258

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8107	1953		Affidavit of Staff Sergeant Michael J. Robertson	14259	
8107	1953-A		Excerpt therefrom		14259
8163	1954		Affidavit of Sergeant Harry Slater	14260	
163	1954-A		Excerpt therefrom		14260
8349	1955		Affidavit of Philip E. Sanders	14261	
8349	1955-A		Excerpt therefrom		14261
847F	1956		Letter signed by the Gaimusho, Tokyo, 29 January 1942		14295
1465B	1957		Statement re reply of Japanese Foreign Minister to the Argentine Charge d'Affaires in Tokyo on 29 January 1942		14297
1465A	1958		Record of Conference in War Ministry re decision not to apply the Geneva Convention and orders issued in conse- quence thereof		14299

1 Friday, '3 January, 1947

2 - - -

3
4 INTERNATIONAL MILITARY TRIBUNAL
5 FOR THE FAR EAST
6 Court House of the Tribunal
7 War Ministry Building
8 Tokyo, Japan

9 The Tribunal met, pursuant to adjournment,
10 at 0930.

11 - - -

12 Appearances:

13 For the Tribunal, same as before with
14 the exception of: HONORABLE JUSTICE D. JARANILLA,
15 Member from the Republic of the Philippines,
16 HONORABLE JUSTICE JU-AO MEI, Member from the
17 Republic of China and HONORABLE JUSTICE BERNARD
18 VICTOR A. ROLING, Member from the Kingdom of the
19 Netherlands, not sitting.

20 LORD PATRICK, Member from the United
21 Kingdom of Great Britain, now sitting.

22 For the Prosecution Section, same as before.

23 For the Defense Section, same as before.

24 - - -
25

1 The Accused:

2 All present except OKAWA, Shumei and
3 NAGANO, Osami, who are represented by their
4 respective counsel.

5 - - -

6 (English to Japanese and Japanese
7 to English interpretation was made by the
8 Language Section, IMTFE.)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except OKAWA and NAGANO, who are represented by their
5 respective counsel. We have a certificate from the
6 prison surgeon of Sugamo stating that NAGANO is ill and
7 unable to attend the trial today. The certificate
8 will be recorded and filed.

9 COMMANDER COLE: If it please the Tribunal,
10 it is now proposed to present evidence relating to the
11 treatment of prisoners of war and civilian internees by
12 the Japanese in China.

13 I offer in evidence prosecution document
14 No. 8392, which is a synopsis of evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 8392 will receive exhibit No. 1887.

18 (Whereupon, the document above
19 referred to was marked prosecution's exhibit
20 No. 1887, and was received in evidence.)

21
22 COMMANDER COLE: Prosecution document No. 8178,
23 the affidavit of Ernest P. Higgs, sworn to 4 March 1946,
24 is offered for identification.

25 CLERK OF THE COURT: Prosecution's document
No. 8178 will receive exhibit No. 1888 for identification

only.

(Whereupon, the document above
referred to was marked prosecution's exhibit
No. 1888 for identification.)

1 COMMANDER COLE: The marked excerpts therefrom
2 are now offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: And the marked excerpt
5 therefrom will be given exhibit No. 1888-A.

6 (Whereupon, the document above
7 referred to was marked prosecution's exhibit
8 No. 1888-A, and was received in evidence.)

9 COMMANDER COLE: This affidavit relates to
10 the killing of a civilian internee by the Japanese
11 military police in Shanghai in August, 1943.

12 Inspector William Hutton was taken from
13 Haiphong Road Camp to the headquarters of the Japanese
14 Gendarmerie for questioning and was returned to the
15 camp in an unconscious condition. The marks on his
16 body showed that he had been tortured by innumerable
17 small cuts with a razor blade. He died several days
18 later.
19

20 The affidavit states, on page 1:

21 "With reference to Inspector William Hutton.
22 I saw a man named Watson arrested by one of the guards
23 and taken to the camp office for questioning. I found
24 out later that he was accused of trying to get a message
25 out of the camp. The Japanese authorities looked for
a man who was stated to have been sitting next to

1 Watson at the time. A guard identified a certain man
2 as being the one. Actually however this was not so,
3 and the next morning Inspector Hutton went to the
4 authorities and told them that they had made a mistake,
5 and that he was the man who had been sitting next to
6 Watson. Both men were taken out of the camp, I under-
7 stand to Jessfield Road, headquarters of the Japanese
8 Gendarmerie. When they were brought back again several
9 days later the man Watson could walk with assistance,
10 and after a week or so in the camp hospital seemed to
11 be quite fit. The man Hutton however was lying in the
12 bottom of the car, naked except for a small pair of
13 pants about his middle. He was unconscious and was
14 placed on a stretcher and taken to the doctor in the
15 clinic. A few minutes later I saw him on the stretcher
16 being carried into the camp hospital. There were marks
17 on his wrists which suggested that he had been strapped
18 down and that both his legs from ankles to hips were
19 criss-crossed with small cuts which had the appearance
20 of having been done with an instrument such as a sharp
21 razor blade. I did not see the remainder of his body,
22 although the man sleeping next to me in the camp told
23 me that he had seen Hutton's chest and that this also
24 was similarly disfigured with cuts. It was common
25 knowledge amongst the internees at the camp that other

1 injuries had been sustained by Hutton during the time
2 that he was out of the camp including damage to his
3 kidneys and private parts, and that the torture that
4 he had undergone had snapped his brain. After three
5 or four days in the camp hospital he was placed in an
6 ambulance and sent to a mental hospital run by a Russian
7 doctor, but he died that night."

8 Prosecution document No. 8180, the affidavit
9 of Ernest Solomon, sworn to 18 May 1946, is offered
10 for identification, and marked excerpts from this docu-
11 ment are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 8180 will receive exhibit No. 1889 for identifica-
15 tion only. The marked excerpt therefrom will receive
16 exhibit No. 1889-A.

17 (Whereupon, prosecution's document
18 No. 8180 was marked prosecution's exhibit
19 No. 1889 for identification; and the excerpt
20 therefrom, bearing the same document number,
21 was marked prosecution's exhibit No. 1889-A
22 and received in evidence.)

23
24 COMMANDER COLE: This affidavit confirms
25 the killing of Inspector Hutton described in the
previous document No. 8178.

1 injuries had been sustained by Hutton during the time
2 that he was out of the camp including damage to his
3 kidneys and private parts, and that the torture that
4 he had undergone had snapped his brain. After three
5 or four days in the camp hospital he was placed in an
6 ambulance and sent to a mental hospital run by a Russian
7 doctor, but he died that night."

8 Prosecution document No. 8180, the affidavit
9 of Ernest Solomon, sworn to 18 May 1946, is offered
10 for identification, and marked excerpts from this docu-
11 ment are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 8180 will receive exhibit No. 1889 for identifica-
15 tion only. The marked excerpt therefrom will receive
16 exhibit No. 1889-A.

17 (Whereupon, prosecution's document
18 No. 8180 was marked prosecution's exhibit
19 No. 1889 for identification; and the excerpt
20 therefrom, bearing the same document number,
21 was marked prosecution's exhibit No. 1889-A
22 and received in evidence.)

23
24 COMMANDER COLE: This affidavit confirms
25 the killing of Inspector Hutton described in the
previous document No. 8178.

1 Prosecution document No. 8137, the affidavit
2 of Private James H. Cole, sworn to 6 October 1945,
3 is offered for identification, and marked excerpts
4 from this document are offered in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 8137 will receive exhibit No. 1890 for identifi-
8 cation only, and the marked excerpt therefrom will
9 receive exhibit No. 1890-A.

10 (Whereupon, prosecution's document
11 No. 8137 was marked prosecution's exhibit
12 No. 1890 for identification; and the excerpt
13 therefrom, bearing the same document number,
14 was marked prosecution's exhibit No. 1890-A
15 and received in evidence.)

16 COMMANDER COLE: The affidavit describes the
17 shooting of an American civilian by a Japanese guard
18 at Shanghai Prisoner of war Camp in March 1942. The
19 civilian was standing near the prison fence when the
20 guard, without provocation, shot and killed him.

21 Deponent was forced to work polishing anti-
22 aircraft shell cases. If the prisoners did not
23 complete sixteen cases per day they were beaten with
24 clubs and rifle butts. For minor offences such as
25 failure to salute or failure to bow upon meeting a

1 Japanese, the prisoners were stripped of all clothing
2 and forced to stand at attention for three to four
3 hours during winter months when the temperature was
4 below freezing. Several men developed pneumonia due
5 to this punishment.

6 Prosecution document No. 2662, part 12,
7 being the report of the Central Investigation Com-
8 mittee relating to prisoners of war, dated 4 November
9 1945, is offered in evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 2662, part 12, will receive exhibit No. 1891.

13 (Whereupon, the document above
14 referred to was marked prosecution's exhibit
15 No. 1891, and was received in evidence.)

16 COMMANDER COLE: Prosecution document
17 No. 2662, signed by Lieutenant Colonel Richard E.
18 Rudisill, Chief, Investigation Division, Legal Section,
19 SCAP, being the certificate of source and authen-
20 ticity covering this investigation report as well as
21 other similar reports to be introduced in evidence
22 later, is offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 2662 will receive exhibit No. 1892.

1 (Whereupon, the document above
2 referred to was marked prosecution's exhibit
3 No. 1892, and was received in evidence.)

4 COMMANDER COLE: Prosecution document
5 No. 2662, part 12, describes the killing of three
6 American airmen in Hankow, China, in December 1944.
7 Preliminary reports indicate that the three captured
8 airmen with their hands tied behind their backs were
9 marched through the streets of Hankow, severely
10 beaten, and then covered with gasoline and burned to
11 death. This document includes (page 6) a report by
12 Major General KABURAGI, Chief of Staff of the Japanese
13 34th Army at the time of the incident, which disclaims
14 knowledge of the details of the atrocity, but admits
15 that permission to march the fliers through the city
16 was granted by the commanding general of the 34th Army.
17 The report states on page 6:

18 "4 November 1945. Major General KABURAGI.

19 "I. Circumstances of the incident.

20 "1. Since around autumn of last year, the
21 indiscriminate shooting and bombing of the city of
22 Hankow caused considerable damage to the homes of the
23 citizens. Not only that, but the casualties inflicted
24 upon the people, chiefly upon the Chinese forces, was
25 great, and the indignation of the citizens gradually

increased.

1 "2. The Hankow Youth Organization (?) forced
2 the American fliers who participated in attacks against
3 Hankow, to march through the city, as a reprisal for
4 the above-mentioned indiscriminate bombing and shoot-
5 ing. The citizens carried out beatings and violence
6 against these fliers.

7 "I do not have a detailed knowledge of the
8 methods, means, and degree of the atrocity.

9 "3. Before the above-mentioned incident
10 was carried out, application for permission to do so
11 was made to the 34th Army Headquarters by the Hankow
12 Youth Organization (?). However, the Commander of
13 the Army (Lieutenant General SANO) would not give
14 permission at first, because the ill-treatment of
15 prisoners of war is not only a violation of International
16 Law, but would also have a bad influence upon the
17 treatment of Japanese nationals interned in the United
18 States. However, the Youth Organization repeatedly
19 requested the permission for carrying it out, saying
20 that the plan was a reprisal for the indiscriminate
21 shooting and bombings and that it would be carried out
22 under the responsibility of the Chinese people and that
23 they will absolutely refrain from troubling the Japanese
24 Forces. Consequently, the permission for the afore-
25 mentioned was granted."

Prosecution document No. 8172, the affidavit of Captain Edward E. Williamson, sworn to 6 June 1946, is offered for identification and marked excerpts therefrom are now offered in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 8172 will receive exhibit No. 1893 for identification only, and the excerpts therefrom will receive exhibit No. 1893-A.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1893 for identification, and the excerpts therefrom were marked prosecution's exhibit No. 1893-A and received in evidence.)

COMMANDER COLE: Prosecution document No. 8175, the affidavit of William S. Bungey, sworn to 21 February 1945, is offered for identification, and marked excerpts from this document are offered in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 8175 will receive exhibit No. 1894 for

1 identification only, and the excerpts therefrom will
2 receive exhibit No. 1894-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's ex-
5 hibit No. 1894 for identification, and
6 the excerpts therefrom were marked prose-
7 cution's exhibit No. 1894-A and received
8 in evidence.)

9 CLERK OF THE COURT: The previous document,
10 prosecution, given exhibit No. 1893, was document
11 No. 8172.

12 COMMANDER COLE: These affidavits describe
13 the methods of torture used during interrogation of
14 civilian internees by the Japanese Gendermarie at
15 Bridge House in Shanghai.

16 Document No. 8172 states, on page 2:

17 "At various dates following the occupation
18 of the Settlements in Shanghai the Japanese Gendarm-
19 erie, acting on information and from years of in-
20 quiries, proceeded to arrest prominent Allied nation-
21 als, that is, heads of business firms and leading
22 members of national societies. These persons were
23 then taken to an apartment house known as 'Bridge
24 House,' which had been the headquarters of the
25 Japanese Gendermarie since 1937, the date of the

1 outbreak of the Sino-Japanese hostilities. When
2 these Allied nationals were taken to Bridge Fouse
3 they were thrown into a filthy verminous cell which
4 was already overcrowded with persons of various
5 nationality, both male and female, numbering between
6 fifteen and twenty persons. For the toilet a bucket
7 in the corner of the cell was the only facility pro-
8 vided, serving both male and female occupants. The
9 food provided was mainly rice in porridge form with
10 weak tea in quantities not sufficient to sustain
11 life. Sleep was impossible in these cells, as all
12 could not lie down at once. They, the prisoners,
13 were only supplied with one blanket which was also
14 verminous.

15 "On the days previous to interrogations
16 these prisoners were placed in a cell usually next
17 door to a torture chamber, where they could hear the
18 yells and cries of persons being beaten and tortured,
19 hearing moans as if the person beaten were actually
20 dying. This treatment of arrested civilians, that
21 is, locked in a filthy cell, little or no food,
22 made to listen to the tortures and beating of other
23 prisoners such as, Chinese, Indian and Russians, was
24 an organized, premeditated and inhuman way of break-
25 ing down the resistance and morale of these prisoners,

1 so as to put them in mental and bodily fear of
2 torture when their turn for 'interrogation' came.

3 "TORTURE"

4 "Various tortures were administered during
5 interrogation, the main ones being 'Water Torture,'
6 which is done by laying a person flat on a bench
7 with his head overhanging one end. A funnel is then
8 placed in the mouth and water forced into the abdomen
9 and lungs. The torturer then jumps on the stomach of
10 his victim, producing a drowning sensation.

11 Electric Treatment. This is done by tying the
12 victim to a 'painters' ladder'
13 in the shape of a crucifix, and applying a hand
14 manipulated shocking coil to the body. The parts
15 chosen usually were around the private members or
16 near the nose. Before this treatment is given the
17 body is sprayed with cold water.

18 Beatings. These came into various categories, such
19 as: (1) Beating across the back and
20 buttocks with a stock or hose. (2) Slap-
21 ping of the face. (3) Kicking of the shins and
22 various other sadistic methods such as kicking the
23 private parts.

24 Other. In one case they removed both toe nails
25 from the big toes of a victim without an

1 anaesthetic. The rack torture was also administered
2 and many others too numerous to mention."

3 At all civil internment camps food and liv-
4 ing conditions were bad and beatings were frequent.
5 Many of the camps were located in military areas and
6 the internees were exposed to air raids.

7 Prosecution document No. 8127, the testi-
8 mony of Private James S. Browning, sworn to 4 January
9 1946, is offered for identification, and marked ex-
10 cerpts from this document are offered in evidence.

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 Commander Cole, why didn't you give us copies
14 of exhibit 1892? It is a certificate covering an
15 index. I have it, thank you, but the other Judges
16 haven't. Please distribute it.

17 CLERK OF THE COURT: Prosecution's docu-
18 ment No. 8127 will receive exhibit No. 1895 for iden-
19 tification only, and the excerpts therefrom will re-
20 ceive exhibit No. 1895-A.

21 (Whereupon, the document above
22 referred to was marked prosecution's ex-
23 hibit No. 1895 for identification, and the
24 excerpts therefrom were marked prosecu-
25 tion's exhibit No. 1895-A and received in

1 anaesthetic. The rack torture was also administered
2 and many others too numerous to mention."

3 At all civil internment camps food and liv-
4 ing conditions were bad and beatings were frequent.
5 Many of the camps were located in military areas and
6 the internees were exposed to air raids.

7 Prosecution document No. 8127, the testi-
8 mony of Private James S. Browning, sworn to 4 January
9 1946, is offered for identification, and marked ex-
10 cerpts from this document are offered in evidence.

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 Commander Cole, why didn't you give us copies
14 of exhibit 1892? It is a certificate covering an
15 index. I have it, thank you, but the other Judges
16 haven't. Please distribute it.

17 CLERK OF THE COURT: Prosecution's docu-
18 ment No. 8127 will receive exhibit No. 1895 for iden-
19 tification only, and the excerpts therefrom will re-
20 ceive exhibit No. 1895-A.

21
22 (Whereupon, the document above
23 referred to was marked prosecution's ex-
24 hibit No. 1895 for identification, and the
25 excerpts therefrom were marked prosecu-
tion's exhibit No. 1895-A and received in

evidence.)

CLERK OF THE COURT: Prosecution's document to which the Bench has just referred, to wit: No. 2662, was given exhibit No. 1892.

COMMANDER COLE: Deponent describes the torture of approximately fifty American prisoners of war at the Shanghai prisoner of war camp in February 1944. The prisoners were punished for trading their personal effects to the Chinese to obtain money. They were stripped, taken out in the snow and given the water cure by having water forced into their stomachs and then were jumped on by the Japanese. When the prisoners became unconscious they were revived by tying them to a post in the snow and pouring ice water over them. They were also beaten with a riding crop loaded with lead.

Prosecution document No. 8033, the deposition of Sergeant Robert McCulloch Brown, sworn to 15 February 1946, is offered for identification, and marked excerpts from this document are offered in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 8033 will receive exhibit No. 1896 for

1 identification only, and the excerpts therefrom
2 will receive exhibit No. 1896-A.

3 (Whereupon, the document above
4 referred to was marked prosecution's
5 exhibit No. 1896 for identification, and
6 the excerpts therefrom were marked prose-
7 cution's exhibit No. 1896-A and received
8 in evidence.)

9 COMMANDER COLE: This deposition confirms
10 the previous document and states that prisoners of
11 war at Shanghai camp were given the water torture
12 for trading with the Chinese. This affidavit states,
13 on page 2:

14 ". . . The men were first severely beaten
15 by ISHIHARA and MYAZAKI. Some of these beatings
16 consisted of being struck with a riding crop frequent-
17 ly used by ISHIHARA to inflict discipline upon the
18 prisoners. After they had been mauled in this manner,
19 each prisoner was held on the floor and was forced
20 to open his mouth. Then, with a Japanese holding
21 the prisoner's nose, water was poured into the
22 prisoner's open mouth until he became unconscious.
23 The Japanese then slapped the prisoner's face and
24 threw cold water on his body in order to revive him.
25 This incident took place in January 1944 and the

1 weather was ver" cold. It is therefore apparent that
2 the use of cold water on prisoners under such cir-
3 cumstances imposed a severe shock upon their systems.
4 These five men were subjected to this treatment for
5 twelve days, until the Japanese finally decided that
6 additional mistreatment would cause their deaths.
7 The men were then hospitalized and later returned
8 to duty."

9 Prosecution document No. 8007-A, the testi-
10 mony of John F. Ryan, sworn to 15 February 1946, is
11 offered for identification and marked excerpts
12 therefrom are offered in evidence.

13 THE PRESIDENT: Admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution's docu-
16 ment No. 8007-A will receive exhibit No. 1897 for
17 identification only, and the excerpts therefrom will
18 receive exhibit No. 1897-A.

19 (Whereupon, the document above
20 referred to was marked prosecution's
21 exhibit No. 1897 for identification, and
22 the excerpts therefrom were marked prose-
23 cution's exhibit No. 1897-A and received
24 in evidence.)
25

COMMANDER COLE: The deponent states that

1 he was one of about one hundred prisoners at Woosung
2 camp in September 1942 who suffered mass punishment
3 for the escape of four Marines. The prisoners were
4 confined for six days in a single room without heat
5 or bed clothing, at a time when the temperature was
6 very cold and with inadequate rations. The command-
7 ing officer of the camp was responsible for this
8 punishment.

9 Prosecution document No. 8130, the affi-
10 davit of Private Carl E. Stegmaier, sworn to 8
11 October 1945, is offered for identification and
12 marked excerpts therefrom are now offered in evidence.

13 THE PRESIDENT: Admitted on the usual
14 terms.

15 CLERK OF THE COURT: Prosecution's docu-
16 ment No. 8130 will receive exhibit No. 1898 for
17 identification only, and the excerpts therefrom will
18 receive exhibit No. 1898-A.

19 (Whereupon, the document above
20 referred to was marked prosecution's
21 exhibit No. 1898 for identification, and
22 the excerpts therefrom were marked prose-
23 cution's exhibit No. 1898-A and received
24 in evidence.)
25

COMMANDER COLE: Deponent was one of five

1 prisoners of war at Kiang Wan camp in January 1945,
2 who were bayoneted by a Japanese guard during an
3 air raid by U.S. planes. The only provocation was
4 that some of the prisoners had cheered during the
5 air raid.

6 Prosecution document No. 8072-A, the affi-
7 devit of Corporal Morris Littman, sworn to 15
8 October 1945, is offered for identification and
9 marked excerpts from this document are offered in
10 evidence.

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 CLERK OF THE COURT: Prosecution's docu-
14 ment No. 8072-A will receive exhibit No. 1899 for
15 identification only, and the excerpts therefrom
16 will receive exhibit No. 1899-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's
19 exhibit No. 1899 for identification, and
20 the excerpts therefrom were marked prose-
21 cution's exhibit No. 1899-A and received
22 in evidence.)
23

24 COMMANDER COLE: Deponent states that three
25 American prisoners who were recaptured after escaping
from the Mukden camp in April 1943, were brutally

14,175

1 beaten and beheaded. The affidavit states, on
2 page 1:
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1 "Along about the middle of April 1943
2 three of the Americans at Camp Mukden escaped from
3 the camp and were not missed by the Japanese guards
4 until roll call the following morning. Each of the
5 three men were from separate barracks. I don't recall
6 their names. The three men were absent from camp for
7 about three days before they were caught by the Japan-
8 ese and returned to camp. I saw the men when they
9 were returned to the camp. They were walking one be-
10 hind the other with a guard along the side of them
11 holding them up; I don't think they were able to walk
12 by themselves; one of them had a rag wrapped around
13 his head which was blood soaked; all three of them
14 had their clothing on their backs ripped up and was
15 very bloody; their ankles were chained together and
16 could only take small steps; the chain extended up
17 their back and their hands were chained together.
18 We went on to work in the factory that day and later
19 on in the day the guards brought them out to camp
20 and tried to make them pick out the Americans who
21 had helped them to escape, also the Japanese who had
22 aided in the escape. They refused to give any infor-
23 mation and were removed from camp. Two days later
24 the Japanese officials had the wood shop to make
25 three crosses with their names on the cross."

1 "The Japanese guards took a detail of three or more men
2 to the cemetery where there were three freshly covered
3 graves and the detail set up the crosses over these
4 three graves which they had prepared in the wood shop
5 of the camp. The Japanese guards in the camp said
6 that they were beheaded with samurai swords. The day
7 following the date on which the three men were caught
8 the Japanese didn't let us go to work; they came in
9 and called attention and showed us a position that
10 they wanted us to sit in and placed a guard over us
11 to see that we stayed in that position and kept us
12 this way for two weeks in the daytime. They made us
13 sit at attention with our legs crossed above the knee,
14 our hands resting on our leg with palm up. We sat on
15 the edge of our beds. We were not allowed to speak
16 and could move our hands only when we ate. Each of
17 the three men that had escaped were from each of three
18 barracks so the Japanese made the barracks, three in
19 number, all sit like this for two weeks."
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1 Prosecution document No. 8209, the testimony
2 of Captain Winfield S. Cunningham, USN, sworn to 26
3 November 1945, is offered for identification, and
4 the marked excerpts from this document are offered
5 in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 8209 will receive exhibit No. 1900 for identifi-
9 cation only, and the marked excerpt therefrom will
10 receive exhibit No. 1900A.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1900 for identification; and the ex-
14 cerpt therefrom was marked prosecution's
15 exhibit No. 1900A and received in evidence.)

16 COMMANDER COLE: Deponent escaped from
17 Woosung Camp in March, 1942, and after being recap-
18 tured and confined in Bridge House for a month was
19 tried by court martial under the provisions of
20 Japanese military law as a deserter from the Japan-
21 ese Army. Deponent pointed out that under inter-
22 national law the maximum punishment for escape that
23 could be imposed was thirty days' solitary confinement.
24 The Japanese court contended that they were not bound
25 by the Geneva Convention and sentenced deponent to

1 Prosecution document No. 8209, the testimony
2 of Captain Winfield S. Cunningham, USN, sworn to 26
3 November 1945, is offered for identification, and
4 the marked excerpts from this document are offered
5 in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 8209 will receive exhibit No. 1900 for identifi-
9 cation only, and the marked excerpt therefrom will
10 receive exhibit No. 1900A.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1900 for identification; and the ex-
14 cerpt therefrom was marked prosecution's
15 exhibit No. 1900A and received in evidence.)

16 COMMANDER COLE: Deponent escaped from
17 Woosung Camp in March, 1942, and after being recap-
18 tured and confined in Bridge House for a month was
19 tried by court martial under the provisions of
20 Japanese military law as a deserter from the Japan-
21 ese Army. Deponent pointed out that under inter-
22 national law the maximum punishment for escape that
23 could be imposed was thirty days' solitary confinement.
24 The Japanese court contended that they were not bound
25 by the Geneva Convention and sentenced deponent to

1 ten years confinement. Deponent escaped from Ward
2 Road Jail in October, 1944 and, after being re-
3 captured, was sentenced to life imprisonment.

4 Deponent states at page 9 that from the
5 evidence it appears that the prisoners of war were
6 deliberately underfed to keep them in a low physical
7 state.

8 Prosecution document No. 8279, the sworn
9 affidavit of Commander C. D. Smith, dated 26 Feb-
10 ruary 1945, is offered for identification, and
11 marked excerpts therefrom are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution document
14 No. 8279 will receive exhibit No. 1901 for identifi-
15 cation only, and the marked excerpt therefrom will
16 receive exhibit No. 1901A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1901 for identification; and the ex-
20 cerpt therefrom was marked prosecution's
21 exhibit No. 1901A and received in evidence.)

22 COMMANDER COLE: Deponent escaped from
23 Woosung prisoner of war camp and was recaptured.
24 After thirty days at Bridge House he was taken to
25 Kiang Wan Camp and, after fifty-three days in

1 solitary confinement, was given a general court
2 martial on a charge of "desertion from the Japanese
3 Army in time of war." The trial resulted in a sen-
4 tence of ten years imprisonment to be served in a
5 criminal jail with loss of all military rights.

6 Deponent states on page 4:

7 "At Bridge House I was confined in a cell
8 with 18 others -- Chinese, Japanese, and foreigners.
9 The conditions in this place were appalling. I was
10 lying next to a man with leprosy and was forced to
11 sleep in close contact with him as the place was
12 so crowded. We were kept here for 30 days under-
13 going what the Japanese called an investigation.
14 The food consisted of congee in the morning and
15 four ounces of bread a day. One small cup of tea
16 was given us twice a day, no other liquids being
17 procurable.

18 "The moral degradation here was of con-
19 siderably more importance than the actual physical
20 discomfort, which in itself was sufficient punish-
21 ment for anyone. This was during the month of March,
22 and it was very cold. We were given one blanket each,
23 which was completely insufficient when one is sleeping
24 on the bare floor. During the day we were forced
25 to sit in formation, cross legged on the floor,

1 without any support or rest for the back or arms.
2 At times an unusually cruel guard would make the
3 rounds of the cells, forcing everyone to kneel on
4 the wooden floor. This would sometimes be kept
5 up for six or eight hours."

6 Deponent gives a further description of
7 torture at Bridge House on pages 6 and 7:

8 "I saw a number of tortures to a minor
9 degree in Bridge House while passing through the
10 car doors on my many trips up to the office. I
11 saw men being given the water treatment, being
12 burned with cigarettes, being given shocks with
13 an electrical machine of some kind, and almost
14 innumerable beatings with clubs and with the backs
15 of swords. Violent kicking with heavy army boots
16 on the prisoners' shins was so common as to be
17 almost unnoticed. Several Chinese suffered broken
18 legs from this while I was in Bridge House.

19 "The water treatment consists of lashing
20 a man down face up across the desk top. A bath
21 towel is then so rolled as to form a circle around
22 his nose and mouth, and a five-gallon
23 can of water, which was generally mixed with the
24 vilest of human refuse and other filth, such as
25 kerosene, was then put handy. The man was then

1 questioned, and if he did not respond, the water
2 was poured into the space made by the bath towel,
3 forcing the prisoner either to swallow and inhale
4 the vile concoction or to strangle himself. This
5 is kept up, questioning between doses, until the
6 man is at a point of unconsciousness. Shortly be-
7 fore unconsciousness is reached, the man is frequent-
8 ly beaten across the belly with a small iron rod.
9 After consciousness has left, he is usually sus-
10 pended by the heels from a tackle directly overhead
11 and the water allowed to drain out of him. When he
12 has sufficiently recuperated, the treatment is
13 resumed.

14 "....After the war I can produce the names
15 and addresses of more than 30 white men who were
16 seriously tortured in Bridge House if they are
17 still alive. Only one of these was an American --
18 Healy.

19 "I do not know what the Japs were trying
20 to learn by these tortures. The men who were tor-
21 tured seldom had any idea as to what was required
22 of them. For some reason they frequently picked
23 on men who knew nothing and who had done nothing.
24 The principal question was 'Are you mixed up with
25 underground activities to aid the enemy or against

1 Japan? and senseless questions like this were
2 asked for hours and hours. The harshness of
3 treatment depended on the particular sergeant
4 and interpreter who were questioning. Each handled
5 the prisoner according to his own ideas. One man
6 might be tortured once or possibly a dozen times.
7 One could never guess. The sergeants were given a
8 completely free hand apparently. Several Chinese
9 were so severely beaten that they died in their
10 cells. I gathered the impression that the officers
11 did not give explicit directions for questioning,
12 but merely ordered so and so out for interrogation.
13 It seemed to be generally understood among all
14 Japanese personnel that punishment would be inflicted
15 as and when required. It is certain that all
16 officers attached to the gendarmerie knew practi-
17 cally every detail of what was going on because
18 the cries, moans, and sounds of blows could be
19 heard over the whole building at most any time."
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1 Prosecution document No. 8194, the affi-
2 davit of Sergeant Harold J. Hogue, sworn to 12
3 December 1945, is offered for identification, and
4 the marked excerpts from this document are offered
5 in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution's document
8 No. 8194 will receive exhibit No. 1902 for identifi-
9 cation only, and the marked excerpt therefrom will
10 receive exhibit No. 1902A.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1902 for identification; and the ex-
14 cerpt therefrom was marked prosecution's
15 exhibit No. 1902A and received in evidence.)

16 COMMANDER COLE: This affidavit relates to
17 the mistreatment of captured airforce personnel at
18 Yochow, China. Upon refusing to give any informa-
19 tion, deponent was beaten with fists and a large
20 bamboo bat. Thereafter, he was strapped to a
21 ladder, given the water treatment and beaten. Next
22 day he was handcuffed and paraded through the village
23 for public ridicule.

24 Prosecution document No. 8193, the affi-
25 davit of 1st Lieutenant Harold J. Klotz, sworn to

1 5 December 1945, is offered for identification, and
2 marked excerpts therefrom are offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 8193 will receive exhibit No. 1903 for identifi-
6 cation only, and the marked excerpts therefrom will
7 receive exhibit No. 1903A.

8 (Whereupon, the document above re-
9 ferred to was marked prosecution's exhibit
10 No. 1903 for identification; and the ex-
11 cerpt therefrom was marked prosecution's
12 exhibit No. 1903A and received in evidence.)

13 COMMANDER COLE: Deponent bailed out of his
14 plane over China and was captured by the Japanese.
15 His right leg which was injured was amputated several
16 inches above the ankle by a Japanese civilian using
17 a crude knife and without anesthesia. A few days
18 thereafter, deponent, for not answering questions,
19 was beaten into unconsciousness, while he lay in bed,
20 on three occasions by a Japanese officer who used an
21 encased saber.

22 Prosecution document No. 8024, the testimony
23 of John R. deLara, sworn to 18 February 1946, is
24 offered for identification, and marked excerpts
25 therefrom are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8024 will receive exhibit No. 1904 for identifi-
4 cation only, and the marked excerpt therefrom will
5 receive exhibit No. 1904A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1904 for identification; and the ex-
9 cerpt therefrom was marked prosecution's
10 exhibit No. 1904A and received in evidence.)

11 COMMANDER COLE: This deposition relates to
12 conditions at Pootung Internment Camp. Deponent
13 states that during the winters of 1944 and 1945 the
14 internees had no heat whatever although the tempera-
15 ture was as low as 20° F. and although the Japanese
16 guards had heating facilities. Internees received
17 no clothing from the Japanese. The food ration was
18 gradually reduced until, at the end, they were get-
19 ting one-fourth the amount of meat originally issued.
20 Internees were exposed to air attacks and were not
21 permitted to mark the buildings until a week before
22 the end of the war.

23 Prosecution document No. 8211A, the testi-
24 mony of **S**ergeant Elmer A. Morse, sworn to 2 November
25 1945, is offered for identification, and the marked

excerpts therefrom are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8211A will receive exhibit No. 1905 for identifi-
4 cation only, and the marked excerpts therefrom will
5 receive exhibit No. 1905A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1905 for identification; and the ex-
9 cerpt therefrom was marked prosecution's
10 exhibit No. 1905A and received in evidence.)

11
12 COMMANDER COLE: Prosecution document No.
13 8220, the affidavit of Corporal Herman E. Fayal,
14 sworn to 10 October 1945, is offered for identifi-
15 cation, and the marked excerpts therefrom are offered
16 in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 8220 will receive exhibit No. 1906 for identifi-
20 cation only, and the marked excerpts therefrom will
21 receive exhibit No. 1906A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1906 for identification; and the ex-
25 cerpt therefrom was marked prosecution's

1 exhibit No. 1906A and received in evidence.)

2 COMMANDER COLE: These two affidavits de-
3 scribe the conditions under which prisoners lived at
4 Hoten Camp near Mukden. Over two hundred prisoners
5 died as a result of malnutrition, lack of medical
6 care, and lack of fuel. The buildings were inade-
7 quately heated although plenty of coal was available
8 for issue. During the first month and a half the
9 prisoners received maize and Chinese cabbage soup and
10 two sour buns a day. The food was frequently so con-
11 taminated that the prisoners could not eat it. All
12 requests for additional food, fuel and medical sup-
13 plies were refused by the Japanese.

14 Prosecution document No. 8123, the affi-
15 davit of John B. L. Anderson, sworn to 23 January
16 1946, is offered for identification, and marked
17 excerpts therefrom are offered in evidence.

18 THE PRESIDENT: Admitted on the usual terms.

19 CLERK OF THE COURT: Prosecution's document
20 No. 8123 will receive exhibit No. 1907 for identifi-
21 cation only, and the excerpt therefrom will receive
22 exhibit No. 1907A.

23 (Whereupon, the document above re-
24 ferred to was marked prosecution's exhibit
25 No. 1907 for identification; and the ex-

cerpt therefrom was marked prosecution's
exhibit No. 1907A and received in evidence.)

1
2 COMMANDER COLE: This affidavit states that
3 at Kiang Wan Camp the food was poor and the work very
4 hard. Deponent lost almost forty pounds while at
5 this camp. The prisoners were forced to work in
6 constructing a rifle range for the Japanese Army and
7 also in polishing shells and repairing tanks and
8 trucks. At Feng Tai Camp the prisoners slept on
9 the floor and received a cup of rice or flour and a
10 cup of watery soup three times a day.

11 Prosecution document No. 8063, the affi-
12 davit of John F. Bronner, sworn to 20 October 1945,
13 is offered for identification, and the marked ex-
14 cerpts therefrom are offered in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 8063 will receive exhibit No. 1908 for identifi-
18 cation only, and the marked excerpts therefrom will
19 receive exhibit No. 1908A.
20

21 (Whereupon, the document above re-
22 ferred to was marked prosecution's exhibit
23 No. 1908 for identification; and the ex-
24 cerpt therefrom was marked prosecution's
25 exhibit No. 1908A and received in evidence.)

1 COMMANDER COLE: This affidavit states that
2 at Pootung Camp the food ration of the internees
3 was cut thirty-five per cent during the year 1944.

4 Prosecution document No. 8004, the affidavit
5 of Sergeant Roger P. Bamford, sworn to 5 March 1946,
6 is offered for identification, and marked excerpts
7 therefrom are offered in evidence.

8 THE PRESIDENT: Admitted on the usual terms.

9 CLERK OF THE COURT: Prosecution's document
10 No. 8004 will receive exhibit No. 1909 for identifi-
11 cation only, and the marked excerpts therefrom will
12 receive exhibit No. 1909A

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1909 for identification; and the ex-
16 cerpt therefrom was marked prosecution's
17 exhibit No. 1909A and received in evidence.)

18 COMMANDER COLE: Prosecution document No.
19 8450, a certificate by Captain C. W. Willoughby,
20 Assistant Chief of Criminal Registry Division, Legal
21 Section, GHQ, SCAP, sworn to 27 December 1946, is
22 offered in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution's document
25 No. 8450 will be given exhibit No. 1910.

1 (Whereupon, the document above re-
2 ferred to was marked prosecution's exhibit
3 No. 1910 and received in evidence.)

4 COMMANDER COLE: This certificate covers
5 the source and authenticity of prosecution document
6 No. 8004 as well as a number of other documents which
7 will be offered in evidence shortly.

8 Prosecution document No. 8004B, the affi-
9 davit of Sergeant Roger D. Bamford, sworn to 5
10 March 1946, is offered for identification, and
11 marked excerpts therefrom are offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 8004B will receive exhibit No. 1911 for identifi-
15 cation only, and the marked excerpts therefrom will
16 receive exhibit No. 1911A.

17 (Whereupon, the document above re-
18 ferred to was marked prosecution's exhibit
19 No. 1911 for identification; and the ex-
20 cerpt therefrom was marked prosecution's
21 exhibit No. 1911A and received in evidence.)

22 COMMANDER COLE: Prosecution documents No.
23 8004 and No. 8004B relate to conditions at Kiang
24 Wan and Woosung Camps. Deponent states that at both
25 camps the prisoners received a small teacup full of

1 rice three times a day and a small amount of watery
2 soup twice a day. Prisoners slept in barns on the
3 earth floor with no stoves and no fuel for fires.
4 The Japanese made no attempt to provide medical care.
5 The only medical attention was received from a
6 medical officer among the prisoners. Four or five
7 prisoners at Kiang Wan Camp and approximately thirty
8 or forty prisoners at Woosung Camp died due to mal-
9 nutrition, beri-beri and dysentery.

10 Prosecution document No. 8218, the testimony
11 of Private James A. Gilbert, sworn to 14 November
12 1945, is offered for identification, and marked
13 excerpts therefrom are offered in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution's document
16 No. 8218 will receive exhibit No. 1912 for identifi-
17 cation only, and the marked excerpts therefrom will
18 receive exhibit No. 1912A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1912 for identification; and the ex-
22 cerpts therefrom were marked prosecution's
23 exhibit No. 1912A and received in evidence.)

24 COMMANDER COLE: Deponent states that during
25 the first few months he was at Mukden Camp about 250

1 American prisoners died either from starvation or
2 dysentery. No medical supplies were available. The
3 food consisted of maize and soy beans.

4 The prisoners worked in nearby factories
5 making steel helmets for the Japanese Army, air-
6 plane parts and gears for large calibre guns. Depon-
7 ent worked in a steel mill sixteen hours a day.
8 During his stay in Mukden Camp as a result of the
9 hard work and poor food, he lost over sixty pounds in
10 weight.

11 Prosecution document No. 8206, the testimony
12 of Corporal Herman Hall sworn to 5 October 1945, is
13 offered for identification, and marked excerpts
14 are offered in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution document
17 No. 8206 will receive exhibit No. 1913 for identifi-
18 cation only, and marked excerpts therefrom will re-
19 ceive exhibit No. 1913A.

20 (Whereupon, the document above re-
21 ferred to was marked prosecution's exhibit
22 No. 1913 for identification, and the ex-
23 cerpts therefrom were marked prosecution's
24 exhibit No. 1913A and received in evidence.)

25 COMMANDER COLE: Deponent was confined at

1 Camp Hoten, Mukden. The camp was about six hundred
2 yards from a large Japanese ammunition factory. There
3 was no designation on the prisoner-of-war camp. Dur-
4 ing a B-29 air raid nineteen prisoners were killed
5 and about thirty were injured.

6 Prosecution document No. 8312, the testimony
7 of Corporal Floyd H. Comfort sworn to 17 December
8 1945, is offered for identification, and marked
9 excerpts therefrom are offered in evidence.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution's document
12 No. 8312 will receive exhibit No. 1914 for identifi-
13 cation only, and the marked excerpt therefrom will
14 receive exhibit No. 1914A.

15 (Whereupon, the document above re-
16 ferred to was marked prosecution's exhibit
17 No. 1914 for identification; and the ex-
18 cerpt therefrom was marked prosecution's
19 exhibit No. 1914A and received in evidence.)

20 COMMANDER COLE: Deponent states that at
21 Woosung Camp and Kiang Wan Camp the prisoners were
22 used in working at a repair depot for all kinds of
23 military vehicles and also in polishing artillery
24 shell cases.

25 Prosecution document No. 8136, the affi-

1 davit of Private Stephen M. Zivko, sworn to 6
2 October 1945, is offered for identification, and
3 marked excerpts therefrom are offered in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 8136 will receive exhibit No. 1915 for identifi-
7 cation only, and marked excerpts therefrom will re-
8 ceive exhibit No. 1915A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1915 for identification; and the ex-
12 cerpts therefrom were marked prosecution's
13 exhibit 1915A and received in evidence.)

14 COMMANDER COLE: This affidavit confirms
15 the fact that prisoners at Kiang Wan Camp helped
16 to construct a rifle range and repaired Japanese
17 Army motor equipment. The affidavit also states
18 that at Kiang Wan Camp the prisoner working parties
19 were not permitted to take cover during air raids
20 until the planes were directly overhead. No sleep-
21 ing facilities were provided other than a straw mat
22 upon the brick floor.

23 That completes the evidence for the China
24 phase of this case.
25

 THE PRESIDENT: The affidavits submitted in

1 the last hour will take us a day to read, but we prefer
2 it that way.
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1 COMMANDER COLE: I offer in evidence prose-
2 cution document No. 8391 which is a further synopsis
3 of evidence relating to Japan.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution's document
6 No. 8391 will receive exhibit No. 1916.

7 (Whereupon, the document above
8 referred to was marked prosecution's
9 exhibit No. 1916 and received in evidence.)

10 COMMANDER COLE: Synopsis of Evidence. Japan.
11 Prosecution document No. 8006, the affidavit
12 of Major Thomas H. Hewlett, sworn to 2 October 1945,
13 is offered for identification; the marked excerpts
14 therefrom are offered in evidence.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Prosecution's document
17 No. 8006 will receive exhibit No. 1917 for identifica-
18 tion only; the marked excerpts therefrom will receive
19 exhibit No. 1917A.

20 (Whereupon, the document above
21 referred to was marked prosecution's exhibit
22 No. 1917 for identification, the excerpts
23 therefrom being marked prosecution's ex-
24 hibit No. 1917A and received in evidence.)

25 COMMANDER COLE: This affidavit describes

1 the brutal treatment of prisoners of war in Camp
2 No. 17, Fukuoka, at which Major Hewlett was senior
3 medical officer during his internment, and gives the
4 following instances:

5 (A) Marine Corporal James G. Pavlokos was
6 confined in the guardhouse in December, 1943, on a
7 charge of theft, without food for a period of approx-
8 imately 35 days, at the end of which period he died
9 of starvation. Deponent examined the body and esti-
10 mates that the weight of deceased had gone down from
11 170 pounds to 55 pounds at the time of death.

12 (B) Private Noah C. Heard was executed in
13 May, 1944, by bayoneting for the repeated offense of
14 theft of food.

15 (C) Corporal Walter Johnson was confined
16 in the guardhouse in April, 1945, for talking to a
17 Japanese civilian miner. He was permitted no food
18 and was subjected to severe beatings day and night as
19 a result of which he died. Deponent examined the
20 body after death and saw many signs of severe beatings.

21 (D) Private William N. Knight was confined
22 to the guardhouse in May, 1945, for stealing a bun
23 in the mess hall. He was subjected to repeated beat-
24 ings and torture, and died after about fifteen days.
25 Deponent was not permitted to examine the body but

1 the brutal treatment of prisoners of war in Camp
2 No. 17, Fukuoka, at which Major Hewlett was senior
3 medical officer during his internment, and gives the
4 following instances:

5 (A) Marine Corporal James G. Pavlokos was
6 confined in the guardhouse in December, 1943, on a
7 charge of theft, without food for a period of approx-
8 imately 35 days, at the end of which period he died
9 of starvation. Deponent examined the body and esti-
10 mates that the weight of deceased had gone down from
11 170 pounds to 55 pounds at the time of death.

12 (B) Private Noah C. Heard was executed in
13 May, 1944, by bayoneting for the repeated offense of
14 theft of food.

15 (C) Corporal Walter Johnson was confined
16 in the guardhouse in April, 1945, for talking to a
17 Japanese civilian miner. He was permitted no food
18 and was subjected to severe beatings day and night as
19 a result of which he died. Deponent examined the
20 body after death and saw many signs of severe beatings.

21 (D) Private William N. Knight was confined
22 to the guardhouse in May, 1945, for stealing a bun
23 in the mess hall. He was subjected to repeated beat-
24 ings and torture, and died after about fifteen days.
25 Deponent was not permitted to examine the body but

1 is of the opinion that the man died of starvation,
2 possibly complicated by pneumonia.

3 (E) Private Worldly was placed in the guard-
4 house in the spring of 1945 for having a small piece
5 of zinc in his possession. After death, an examina-
6 tion of his body by deponent indicated that death was
7 the result of beating. Men in the guardhouse were
8 beaten with a 2 x 4 about the length of a baseball
9 bat.

10 (F) In March, 1944, two prisoners of war
11 were placed in the guardhouse and forced to kneel
12 for long periods of time on bamboo, as a result of
13 which they developed gangrene. It was necessary to
14 amputate both feet of one prisoner, and three toes of
15 the other.

16 (G) Deponent was confined to the guardhouse
17 for six days in October, 1944, for submitting a
18 written complaint to the Japanese doctor concerning
19 sick men who were forced to work in the mine.

20 (H) During two years in this camp the medical
21 department was issued only sufficient Red Cross
22 medicines to care for five hundred men for three months,
23 although the camp reached the total population of
24 1780. Deponent performed 135 major operations with-
25 out gloves and with inadequate instruments.

1 Prosecution document No. 8022, the affidavit
2 of 1st Lieutenant John H. Allen, sworn to 30 December
3 1945, is offered for identification; the marked ex-
4 cerpts therefrom are offered in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 8002 will receive exhibit No. 1918 for identifica-
8 tion only; the marked excerpts therefrom will receive
9 exhibit No. 1918A.

10 (Whereupon, the document above re-
11 ferred to was marked prosecution's exhibit
12 No. 1918 for identification, the excerpts
13 therefrom being marked prosecution's exhibit
14 No. 1918A and received in evidence.)

15 COMMANDER COLE: This affidavit is an eye-
16 witness account of the execution by bayoneting of
17 Private Noah C. Heard, previously referred to in
18 prosecution document No. 8006. Deponent witnessed
19 the execution, which took place without trial, from
20 the window of a nearby building. The Japanese guards
21 formed a semi-circle around the prisoner who was
22 dazed from repeated beatings, and bayoneted him as
23 he sat on the ground. The affidavit states at page 4:

24 "From the window, I saw that a semi-circle
25 of guards had formed behind Pvt Heard. At a command

1 from Lt. Ken YURI, one of the guards came forward
2 and bayoneted Heard in approximately the middle of
3 his back. I do not know this guard's name. Pvt. Heard
4 grunted and fell forward from the impact of the onrush-
5 ing guard and began to retch and twitch, making
6 gesticulations similar to those of a brute that has
7 been mortally wounded. These gesticulations caused
8 him to roll on his back with his right side exposed
9 to the semi-circle of guards. Upon the return of
10 the first guard to the semi-circle, on the command
11 of Lt. Ken YURI, a second guard went forward and
12 plunged his bayonet into the exposed right side of
13 Heard's abdomen. I do not know the name of this
14 guard either. The guard withdrew and the Japanese
15 doctor MURAO, Lt. Ken YURI, Sg. Major MORATAKI, Inter-
16 preter OYI and some of the guards went up to examine
17 Heard's body. By this time, Heard's actions were
18 no longer violent; however, a slight spasmodic twitch
19 could be noticed in his hands and feet. A third
20 guard whose name I do not know then turned his rifle
21 butt up and thrust the bayonet vertically into Heard's
22 throat. The guards then proceeded to rake across
23 Heard's abdomen, cutting it to bloody ribbons."

24 Prosecution document No. 8117, the affidavit
25 of Fusilier William Johnson, sworn to 4 February 1946,

1 is offered for identification; the marked excerpts
2 therefrom are offered in evidence.

3 THE PRESIDENT: Admitted on the usual terms.

4 CLERK OF THE COURT: Prosecution's document
5 No. 8117 will receive exhibit No. 1919 for identifica-
6 tion only; the marked excerpts therefrom will re-
7 ceive exhibit No. 1919A.

8 (Whereupon, the document above
9 referred to was marked prosecution's ex-
10 hibit No. 1919 for identification, the
11 excerpts therefrom being marked prosecu-
12 tion's exhibit No. 1919A and received in
13 evidence.)

14 COMMANDER COLE: This affidavit describes
15 the brutal treatment of a prisoner of war at Sendai
16 Camp No. 1B on 4 February 1945. The prisoner was
17 in a very weak condition resulting from beriberi
18 and malnutrition and asked to see the medical officer.
19 Whereupon he was knocked down by a Japanese military
20 guard and kicked in the stomach while lying on the
21 ground. He died that evening.

22 Prosecution document No. 8026, the sworn
23 affidavit of Ian Douglas Newlands, dated 12 April
24 1946, is offered for identification; the marked ex-
25 cerpts therefrom are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8026 will receive exhibit No. 1920 for identifica-
4 tion only; the marked excerpts therefrom will receive
5 exhibit No. 1920A.

6 (Whereupon, the document above
7 referred to was marked prosecution's ex-
8 hibit No. 1920 for identification, the
9 excerpts therefrom being marked prosecu-
10 tion's exhibit No. 1920A and received in
11 evidence.)

12 COMMANDER COLE: This affidavit describes
13 conditions in prisoner of war camps at Moji and at
14 Hakodate No. 1. At the Moji Hospital there were 180
15 prisoners and during the two months that deponent
16 was a patient about fifty of these died, chiefly from
17 lack of medical attention. At Hakodate Camp No. 1
18 deponent saw the killing of a Dutch prisoner who had
19 been accused by the Japanese guards of theft. The
20 Dutch prisoner was confined in the guardroom without
21 food and every few hours he was taken from the cell
22 and beaten by the guards with fists, sticks and belts.
23 After a few days the prisoner died.

24 The deponent was severely beaten by the
25 Japanese guards for refusing to order prisoners to

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8026 will receive exhibit No. 1920 for identifica-
4 tion only; the marked excerpts therefrom will receive
5 exhibit No. 1920A.

6 (Whereupon, the document above
7 referred to was marked prosecution's ex-
8 hibit No. 1920 for identification, the
9 excerpts therefrom being marked prosecu-
10 tion's exhibit No. 1920A and received in
11 evidence.)

12 COMMANDER COLE: This affidavit describes
13 conditions in prisoner of war camps at Moji and at
14 Hakodate No. 1. At the Moji Hospital there were 180
15 prisoners and during the two months that deponent
16 was a patient about fifty of these died, chiefly from
17 lack of medical attention. At Hakodate Camp No. 1
18 deponent saw the killing of a Dutch prisoner who had
19 been accused by the Japanese guards of theft. The
20 Dutch prisoner was confined in the guardroom without
21 food and every few hours he was taken from the cell
22 and beaten by the guards with fists, sticks and belts.
23 After a few days the prisoner died.

24 The deponent was severely beaten by the
25 Japanese guards for refusing to order prisoners to

1 perform work for which they were unfit.

2 The prisoners at this camp were employed
3 in the Muroran Steel Works which produced steel for
4 making gun barrels. Collective punishments were
5 imposed on the prisoners for minor offenses by forc-
6 ing the entire camp to stand on parade all night and
7 then go to work the next morning.

8 Prosecution document No. 2662, Part 23,
9 the Report of the Japanese Central Investigation
10 Committee relating to Prisoners of War, dated
11 9 January 1946, is offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecutor's document
14 No. 2662, Part 23, will receive exhibit No. 1921.

15 (Whereupon, the document above
16 referred to was marked prosecution's ex-
17 hibit No. 1921 and received in evidence.)

18 COMMANDER COLE: This report relates to the
19 treatment of captured Allied airmen in the Eastern
20 Military District of Japan. From this document which
21 was written by the Japanese authorities themselves,
22 it appears that Allied airmen were treated with great
23 brutality. The report states at the bottom of page 2,
24 as follows:

25 "The treatment of the airmen of the Allied

1 Forces captured in the Eastern Region were divided
2 into two categories. First, if they were suspected
3 of violating military regulations, they were disposed
4 of by courts-martial. Second, if they were acquitted,
5 they were interned in the POW camps and treated as
6 ordinary POW. However, before these steps were taken
7 they at first were detained in the guardhouse of the
8 Eastern Military Police Unit Headquarters as sus-
9 pected violators of military regulations....During
10 the period of detention there were 17 deaths."

11 Additional incidents showing the brutal
12 treatment of Allied airmen are set forth on pages 1
13 and 2 of the report as follows:

14 On the night of May 25, 1945, 62 Allied
15 airmen who were interned in the detention house of
16 the Tokyo Army Prison as suspected violators of the
17 military regulations were burned to death in the air
18 raids.

19 A seriously injured pilot of a B-29 which
20 fell in Hiyoshi Village in Chiba Prefecture received
21 Kaishaku, that is, he was beheaded on May 26, 1945,
22 on the orders of the Japanese captain of the patrol.
23 The report adds that there is an indication that
24 bayoneting of the body took place after death.
25

On page 27 of this document is set forth

1 an additional report by the Japanese Investigation
2 Committee dated 26 December 1945, relating to the
3 treatment of captured Allied airmen in the Tokai
4 or Eastern Sea Region. This report states (para-
5 graph II, page 27):

6 "From February 11, 1945, when the Tokai
7 (T.N. Eastern Sea) Military District was established
8 until the time of truce, the number of surviving
9 airmen of Allied planes who descended within the
10 District was 44. Of these, six men at the beginning
11 were interned as prisoners of war since it was clear
12 that they had attacked military objects; and the
13 eleven men who later descended on May 14th were sent
14 to courts-martial because they had conducted indis-
15 criminate bombings and were deeply suspected of
16 being major war criminals; 27 men who later descended
17 after the latter part of May, were disposed of by
18 military regulations without formal procedures of
19 the courts martial due to the situation at that
20 time. It was decided that these men were clearly
21 guilty of inhuman and indiscriminate bombings."

22 THE PRESIDENT: We will recess for fifteen
23 minutes.

24 (Whereupon, at 1045, a recess was taken
25 until 1100, after which the proceedings were
resumed as follows:)

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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Commander Cole.

4 COMMANDER COLE: The document last introduced
5 was prosecution document No. 2662, Part 23. In
6 regard to the execution of the 27 airmen without
7 trial, the report further states on page 28 as
8 follows:

9 "Around May of this year, the Headquarters
10 of the 13th Area Army (operational army formed in
11 conjunction with the Headquarters of the Tokai
12 Military District, with most of the personnel holding
13 concurrent positions in the Headquarters of the
14 Military District) estimated that the time of the
15 landing on the mainland by the Allied Forces would
16 be around August. At that time, the whole Army was
17 concentrating on the preparations for the operation,
18 and the work of the Headquarters was also extremely
19 busy. By chance the headquarters received 11 men,
20 airmen who participated in the indiscriminate bombing
21 of Nagoya on May 14th, and discussions were going on
22 about courts martial for them. However, accompanying
23 the air raids which were getting more violent, the
24 situation was such that the number of airmen was
25 increasing further. After the latter part of May, the

1 enemy bombings seemed to have shifted to inhuman and
2 indiscriminate bombing of cities, aiming mainly at
3 destroying private houses with incendiary bombs, and
4 killing and wounding of citizens. This was also
5 clearly perceived through investigation of these airmen.
6

7 "With the passing of time, the operational
8 work became busier than ever. Various situations
9 had to be taken care of speedily, and despite the
10 thorough efforts of the officials and the people,
11 the damages caused by the indiscriminate bombings
12 became gigantic, and the hostile feelings were reach-
13 ing the limit. Meanwhile, under the severe and contin-
14 uous air raids day after day, the administration of
15 these airmen was very difficult. In other words, the
16 area army decided that under the circumstances, sending
17 these men to courts martial which are complicated and
18 delaying, would not be consistent with the prevailing
19 state of affairs. Consequently, 11 men were executed
20 in the mountains of Miyazu, Akazu-Cho, Seto City on
21 June 28th, and 16 men were executed at the rear of
22 No. 2 office building of the Headquarters on July 14."

23 Prosecution document No. 2662, Part 24, the
24 report of the Japanese Investigation Committee relating
25 to Prisoners of War, dated 26 December 1945, is
offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 2662, Part 24, will receive exhibit No. 1922.

4 (Whereupon, the document above
5 referred to was marked prosecution's ex-
6 hibit No. 1922 and received in evidence.)

7 COMMANDER COLE: This report relates to the
8 treatment of Allied Air Force personnel in the
9 Central Military District of Japan. The report
10 states (paragraph 2, page 1): -

11 "Total number of the Allied Air Force Flight
12 Personnel who were captured within the Central Military
13 District by the Japanese Army was about forty-nine,
14 of whom three were sent to Tokyo; about six died from
15 injuries and sickness; two were put to death after
16 trail by court-martial; and the rest, of about thirty-
17 eight, were put to death without being court-martialed."

18 The report states (page 4) that the thirty-
19 eight airmen were executed without trial due to the
20 fact that the Japanese army personnel were too busy
21 preparing defense operations against the intensified
22 air raids and anticipated an invasion by U.S. forces
23 and that the Judicial Department was too busy with
24 cases of violation of military discipline. This is
25 set forth on page 4 as follows:

1 "The intensification of air raids from June,
2 1945 onwards, brought about a gradual increase also
3 in the number of captured air flight personnel, but
4 although the Central District M.P. Unit, following
5 thorough investigations on the strength of the afore-
6 mentioned orders, secured evidence of violation of
7 Martial Law in each of these cases, these flight pers-
8 onnel could not be brought before Court-Martial due
9 to the 15th Area Army Headquarters (an operational
10 unit incorporated into one body with the Central
11 Military District Headquarters, and the greater part
12 of whose personnel were holding additional posts with
13 the Military District Headquarters) being too busily
14 occupied in the preparation of defense operations
15 against the intensified air-raids and supposed landing
16 on our mainland by the U.S. forces, and on account
17 of the Judicial Department, too, being kept busy in
18 dealing with cases of violation of military discipline.

19 "At that time, the Central Military District
20 Army opined that the intensification of air-raids since
21 the autumn of the year before - especially the fact
22 that many lives and considerable private property
23 had been destroyed as a result of the indiscriminate
24 incendiary bombings on Tokyo, Nagoya, Osaka and Kobe,
25 etc., since March of this year, had roused the indignation

1 of the nation - especially towards the flight personnel -
2 to an exceedingly high pitch..

3 "As, under the afore-mentioned circumstances,
4 the Central District M.P. Unit received no instructions
5 from the Central Military District Headquarters,
6 regarding the measures to be taken against the flight
7 personnel, they contacted the Tokyo M.P. Headquarters,
8 and on the occasion of the first execution in the
9 beginning of July, same was carried out by also con-
10 tacting the Military District Headquarters.

11 "As stated above, the said total of forty-
12 three persons were executed by shooting in several
13 lots by special personnel at the manoeuver area at
14 Nobutayama, Izumi-Kita Gun, Osaka Prefecture and the
15 firing range at Higashi-ku, Osaka City, from the
16 period between the beginning of July to the middle
17 of August, and their bodies were buried at the same
18 places."

19 Prosecution document No. 2662, Part 27, the
20 report of the Japanese Investigation Committee relating
21 to Prisoners of War dated 27 March, 1946, is offered
22 in evidence.

23 THE PRESIDENT: Admitted on the usual terms.

24 CLERK OF THE COURT: Prosecution document
25 No. 2662, Part 27, will receive exhibit No. 1923.

1 (Whereupon, the document above
2 referred to was marked prosecution's ex-
3 hibit No. 1923 and received in evidence.)

4 COMMANDER COLE: This report confirms the
5 statement in prosecution document No. 2662, Part 24,
6 that of the forty-nine captured airmen two were
7 executed by order of a court-martial and six died of
8 injuries and illnesses, but indicates (page 5, annexed
9 sheet No. 1) that the number of airmen who were
10 otherwise executed was actually forty-one instead of
11 thirty-eight. The report also states (paragraph C,
12 1, 2 and 3, pages 27 and 28) that Lt. General OKIDA,
13 Sanji, the Military Police Commandant, in June, 1945,
14 issued a message to each Military District Police
15 Headquarters advising them that if captured airmen
16 could not be disposed of immediately by courts-martial
17 perhaps other methods might unavoidably be used.

18 The report states at the top of page 2:
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1 "B. In regard to the public feeling
2 against the captured airmen.

3 "After the bombings of the Japanese Mainland
4 were initiated, not only were fearful air raids against
5 important facilities continued, but in various places
6 the losses in lives and properties of non-combatants
7 started to mount. Accompanying this, the hostile
8 feelings of the people began to increase. However,
9 in March when large cities such as Tokyo, Nagoya,
10 Osaka and Kobe began to suffer indiscriminate incen-
11 diary bombing raids, and huge losses were suffered,
12 the people's feelings suddenly became violent and
13 their hostile feelings increased. The general public
14 opinion against the captured airmen hardened conspic-
15 uously. Later on, the indiscriminate bombings by
16 Allied aircraft became increasingly and ceaselessly
17 violent and the people's spirit of vengeance reached
18 its limit. The situation came to the point where
19 even Japanese airmen who parachuted down were in
20 danger of harm, because the people did not take time
21 to make distinctions.

22 "C. Relationship between the Central
23 District Military Police Unit Headquarters and the
24 Military Police Headquarters in regard to punishments.
25

"1. Accompanying the sharp increase in

1 air raids against the mainland in the spring and
2 summer of 1945, the number of captured airmen in-
3 creased considerably. However, for various reasons,
4 every unit was unable to speedily bring these men to
5 courts martial. Because of this, the Military Police
6 Unit in the various areas had difficulties in the
7 internment of these men on account of the poor and
8 crowded internment facilities. Around June of 1945,
9 Lieutenant General OKIDO, Sanji, the Military Police
10 Commandant, after considering the general state of
11 affairs, issued a personal message using the name of
12 Colonel YAMAMURA, Yoshio, Chief of the External
13 Affairs Section of the Military Police Headquarters.
14 The message was issued to each Military Police Head-
15 quarters Commandant in the Northern, Northeastern,
16 Eastern, Tokai, Central, Chugoku, Shikoku, and the
17 Western District in regard to the handling of
18 captured airmen.

19 "2. The gist of the said personal message,
20 according to the memories of those who were then
21 connected with the Military Police Headquarters, is
22 generally as follows:

23 "Courts martial for captured airmen are
24 generally at a standstill. Because of this, it seems
25 that the interned personnel have increased and the

1 various Military Police Units are feeling extreme
2 difficulties in the handling of these men. From
3 the standpoint of the Military Police, they hope for
4 the acceleration of the courts martial. There are
5 probably some men among the prisoners who carried
6 out inhuman and indiscriminate bombings. It is only
7 right that these men be immediately punished severely
8 according to military regulations.

9 "If it is impossible to make immediate
10 dispositions by courts martial, perhaps other
11 methods may unavoidably be used. However, it is
12 up to the Military District Headquarters to decide
13 which of the two methods should be adopted, and it
14 is not a matter to be handled by the Military Police.
15 Therefore, it is best to make contacts with the
16 Chief of Staff of the Military District concerned,
17 according to necessity. Moreover, it seems that he
18 added that this case should first have the independent
19 decision of the Chief of Staff of each Military
20 District.

21 "3. According to Major-General NAGATOMO,
22 Tsuguo, Commandant of the Military Police Unit Head-
23 quarters of the Central District, he was trying to
24 find a solution to the difficulties of the internment
25 of the increased number of captured airmen. Since

1 he received the aforementioned personal message at
2 this time, it seems that he interpreted the intention
3 of the message to mean immediate punishment of the
4 captured airmen and he ordered his officers to make
5 preparations accordingly.

6 "D. Relationship between the Military Police
7 Unit Headquarters of the Central District and the
8 Central Military District Headquarters in regard to
9 punishments.

10 "1. Around the end of June (or the begin-
11 ning of July), Major-General NAGATOMO, Commandant
12 of the Military Police Unit of the Central District
13 who received the said message, paid a visit to
14 Lieutenant General KUNITAKE, Michio, the Chief of
15 Staff of the Central Military District. NAGATOMO
16 made the following statement: 'As a result of in-
17 vestigating captured airmen, we find that their
18 statements are generally all alike. Therefore,
19 hereafter we will not submit every bit of information
20 and we wish to take the appropriate measures for
21 these airmen.'

22 "Lieutenant General KUNITAKE did not think
23 that this negotiation was something in connection
24 with anything as important as the punishment of the
25 airmen, but he thought it was just a simple intelligence

1 report. Therefore, he answered, 'I acknowledge it,'
2 and turned his attention to extremely pressing
3 problems of operation preparations, and counter-
4 measures against air raids.

5 "According to Lieutenant General KUNITAKE,
6 it seems that he never even dreamed that the purpose
7 of Major-General NAGATOMO's visit was the contact
8 for the important matter based upon the personal
9 message from the Military Police Unit Headquarters.

10 "2. In the early part of June (the exact
11 date is not known) Major SHINAI, Ikomaro, of the
12 Military Police Unit Headquarters of the Central
13 District visited Colonel OBA, Kojiro, a Staff Officer
14 of the Central Military District and said, 'Since we
15 have had contact from the Military Police Headquarters,
16 we will punish the captured airmen who are at present
17 interned at the Military Police Unit of the Central
18 District.'

19 "Thereupon, Colonel OBA asked, 'Is it proved
20 that all of these captured airmen actually carried
21 out indiscriminate bombings?' It seems that Major
22 SHINAI answered, 'Yes.'

23 "It appears that Colonel OBA thought that
24 these punishments were matters concerning captured
25 airmen who were under the administration of the

1 Military Police Unit of the Central District and
2 based upon the plans of the higher Military Police
3 Headquarters to which the unit belonged. Therefore
4 it seems that he answered, 'It is inevitable, if
5 they are to be punished by the Military Police Unit,'
6 thinking that it was unavoidable, since they were to
7 be punished in the light of military regulations."

8 Prosecution document No. 2662, Part 25,
9 the report of the Japanese Investigation Committee
10 dated 23 January 1946, relating to treatment of
11 Allied Air Force Personnel in the Western District
12 of Japan, is offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 2662, Part 25, will receive exhibit No. 1924.

16 (Whereupon, the document above
17 referred to was marked prosecution's exhibit
18 No. 1924 and received in evidence.)

19 COMMANDER COLE: This report states
20 (paragraph 2, page 1):

21 "Of the Allied Air Force Flight Personnel
22 captured by the Japanese Army within the Western
23 Military District, about eight were put to death on
24 the 20th of June, 1945 (Group 1), another, approx-
25 imately eight men, on the 12th of August in the same

1 year (Group II), and another, approximately fifteen
2 men, on the 15th of the same month in the same year
3 (Group III), by personnel of the said Military
4 District Headquarters."

5 The report further states in paragraphs
6 3, 4, and 5, commencing on page 1 as follows:

7 "III. RE-EXECUTION OF GROUP I.

8 "As a result of various cities in the Main-
9 land having suffered one after another from incen-
10 diary bombing by the Allied Forces ever since the end
11 of 1944, the hostile feeling of the military and
12 government authorities, as well as the people, be-
13 came steadily aggravated, especially upon Fukuoka
14 City, the seat of the Military District Headquarters,
15 being air-raided on the 19th of June, 1945, which
16 resulted in the principal parts of the City being
17 reduced to ashes, and presenting the tragic sight of
18 large numbers of the general populace being made
19 victims, whereupon the hostile feeling appears to
20 have become still further intensified.

21 "It was under the circumstances as per the
22 foregoing paragraph that about eight of the captured
23 Flight Personnel were executed by personnel of the
24 Military District Headquarters within its compound
25 on the 20th of June.

1 "IV. RE-EXECUTION OF GROUP II.

2 "On entering into August, successive atomic
3 bomb raids were made by the U.S. Army on the cities
4 of Hiroshima and Nagasaki, victimizing the majority
5 of the citizens of both cities, and upon it becoming
6 known that the miserable plight of the said victims
7 was absolutely beyond words, the general feeling of
8 animosity appears to have soared up to its zenith
9 again.

10 "It was under the circumstances as per the
11 foregoing paragraph that about eight captured Flight
12 Personnel were executed by personnel of the Military
13 District Headquarters in a hill near the Aburayama
14 Crematorium in the southwest part of Fukuoka City, on
15 the 12th of August.

16 "V. RE-EXECUTION OF GROUP III.

17 "Upon the war coming to an end on August
18 15th, various wild rumors became circulated through-
19 out Kyushu District, and Fukuoka District especially
20 was thrown into an indescribable state of confusion
21 due to the weaker sex fleeing to places of refuge,
22 etc., due to the fabricated report that a part of the
23 Allied Forces had already landed, etc., and these
24 factors appear to have aroused a sense of intense en-
25 mity among a section of the officers of the Military

1 District Headquarters.

2 "It was under the circumstances as per the
3 foregoing paragraph that about fifteen captured
4 Flight Personnel were executed by personnel of the
5 Military District Headquarters in a hill near the
6 Aburayama Crematorium in the southwestern part of
7 Fukuoka City, on the 15th of August."

8 Prosecution document No. 8223, the affidavit
9 of Yorio OGIYA, sworn to 8 February 1946, is offered
10 for identification and marked excerpts therefrom are
11 now offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution's document
14 No. 8223 will receive exhibit No. 1925 for identifi-
15 cation only; the marked excerpts therefrom will receive
16 exhibit No. 1925-A.

17 (Whereupon, the document above
18 referred to was marked prosecution's exhibit
19 No. 1925 for identification only; the excerpts
20 therefrom being marked prosecution's exhibit
21 No. 1925-A and received in evidence.)

22 COMMANDER COLE: This affidavit relates to
23 the execution of two United States airmen at Osaka on
24 18 July 1945. These are the same two airmen referred
25 to in evidentiary document No. 2662, Part 24. The

1 affidavit states that deponent acted as Witness
2 Public Procurator at the court martial of the two
3 airmen and asked for the death penalty. In answer
4 to the question as to what questions were asked of
5 the airmen at the trial, the deponent stated (at the
6 top of page 4):

7 "Q What were the questions asked and what
8 answers were given?

9 "A The questions asked were as follows:

10 "1. What unit they belonged and duties,
11 name, rank, age, schooling, profession.

12 "2. Places they bombed: March 9, 1945,
13 Tokyo - Incendiary bomb from Saipan. March 14, 1945,
14 bombed Osaka. March 17, 1945, bombed Kobe.

15 "3. Radar explanation. Nelson was asked
16 to explain American radar system. Nelson stated that
17 he admitted the fact that he bombed Japan, but he only
18 obeyed his higher officers' orders.

19 "Q. What was the verdict of the Military
20 Discipline Conference?

21 "A. Lt. Nelson and Sgt. Auganus were found
22 guilty and sentenced to die by the firing squad."

23 Prosecution document No. 8285, the affidavit
24 of Staff Sgt. Marshall S. Shellhart, sworn to 7 October
25 1945, is offered for identification and marked excerpts

1 therefrom are now offered in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution's document
4 No. 8285 will receive exhibit No. 1926 for identifi-
5 cation only; the excerpt therefrom will receive
6 exhibit No. 1926-A.

7 (Whereupon, the document above
8 referred to was marked prosecution's exhibit
9 No. 1926 for identification only; the excerpts
10 therefrom being marked prosecution's exhibit
11 No. 1926-A and received in evidence.)

12 COMMANDER COLE: This affidavit states that
13 at Camp 5D, Kawasaki, the Japanese guards would beat
14 the prisoners with sticks, clubs and steel rods until
15 they were unconscious in many cases, and would then
16 throw water on them to revive them and beat them
17 into unconsciousness again. In many instances the
18 prisoners were burned with small pieces of burning
19 punk under the guise of giving medical care. The
20 prisoners were also required to hold a bucket of water
21 or a sack filled with beans with their arms outstretched
22 until they dropped unconscious from fatigue.
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1 Prosecution document No. 8071, the affi-
2 davit of Corporal John B. Lippard, sworn to 2 Octo-
3 ber 1945, is offered for identification. The marked
4 excerpts from this document are now offered in evi-
5 dence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 8071 will receive exhibit No. 1927 for identi-
9 fication only, and the excerpts therefrom will
10 receive exhibit No. 1927A.

11 (Whereupon, the document above re-
12 ferred to was marked prosecution's exhibit
13 No. 1927 for identification, and the excerpts
14 therefrom were marked prosecution's exhibit
15 No. 1927A and received in evidence.)

16 COMMANDER COLE: This affidavit relates to
17 conditions at Kamioka Camp and confirms the fact that
18 a common form of punishment involved placing pieces
19 of smoldering punk upon the wrist, stomach, or neck
20 of the prisoners. A guard would stand over the
21 prisoners and beat him if he flinched or collapsed.
22 Deponent was burned in this manner and then beaten.

23 Prosecution document No. 8263, the affidavit
24 of Gunner John B. Mullins, sworn to 3 November 1945,
25 is offered for identification. The marked excerpt

1 therefrom is now offered in evidence.

2 THE PRESIDENT: Admitted on the usual terms.

3 CLERK OF THE COURT: Prosecution document
4 No. 8263 will receive exhibit No. 1928 for identi-
5 fication only, and the marked excerpt therefrom will
6 receive exhibit No. 1928A.

7 ("hereupon, the document above re-
8 ferred to was marked prosecution's exhibit
9 No. 1928 for identification, and the marked
10 excerpt therefrom was marked prosecution's
11 exhibit No. 1928A and received in evidence.)

12 COMMANDER COLE: This affidavit describes
13 the torture of two prisoners of war at Yamani Camp,
14 Shikoku, in March 1945. The affidavit states, on
15 page 5:

16 "At Yamani Camp on the Jap Island of
17 Shikoku, about March 1945, Gunner Basil Jones and
18 Gunner Allan Orr, both of the 2/15 Fd. Regt., were
19 accused of stealing sugar.

20 "They were taken away under the orders of
21 the Jap WO known as 'Happy Jack' for questioning.
22 They denied having stolen the sugar, and told the
23 truth, that they had obtained it from their Jap
24 guards in exchange for cigarettes from their Red
25 Cross parcel.

1 refused to believe this and in
2 confession of theft from them
3 o tables, using an ordinary
e. The spike was driven right
times near the knuckle joints.
forcibly the finger nails of
ing a paper knife as a lever.

9 The affidavit states that working conditions
10 at this camp were very bad. The prisoners had to live
11 on a small quantity of rice and barley and use their
12 few cents a day work pay to buy any food they could.
13 They were so starved they ate the entrails of dogs and
14 when they could get it horse flesh. The work in the
15 copper mine was twelve hours a day, with one day off
16 each month.

17 THE PRESIDENT: Commander Cole, my attention
18 is directed to page 3 of exhibit No. 1925A. In that
19 exhibit the War Ministry in Tokyo is mentioned and also
20 General UCHIYAMA and General HATA.

21 COMMANDER COLE: I will be glad to read that
22 paragraph from court exhibit No. 1925A.

23 THE MONITOR: Mr. Prosecutor, would you kindly
24 point out --

25 COMMANDER COLE: This is document 8223,
page 3.

1 "Happy Jack" refused to believe this and in
2 an effort to extract a confession of theft from them
3 he spiked their hands to tables, using an ordinary
4 type of office spike file. The spike was driven right
5 through the hand several times near the knuckle joints.
6 He then prised and lifted forcibly the finger nails of
7 the men, using a paper knife as a lever.

8 The affidavit states that working conditions
9 at this camp were very bad. The prisoners had to live
10 on a small quantity of rice and barley and use their
11 few cents a day work pay to buy any food they could.
12 They were so starved they ate the entrails of dogs and
13 when they could get it horse flesh. The work in the
14 copper mine was twelve hours a day, with one day off
15 each month.

16 THE PRESIDENT: Commander Cole, my attention
17 is directed to page 3 of exhibit No. 1925A. In that
18 exhibit the War Ministry in Tokyo is mentioned and also
19 General UCHIYAMA and General HATA.

20 COMMANDER COLE: I will be glad to read that
21 paragraph from court exhibit No. 1925A.

22 THE MONITOR: Mr. Prosecutor, would you kindly
23 point out --

24 COMMANDER COLE: This is document 8223,
25 page 3.

1 THE MONITOR: What paragraph, Mr. Prosecutor?

2 COMMANDER COLE: On page 3, in the middle of
3 the page, commencing: "Q Who instructed you to ask
4 for the death penalty of Nelson and Auganus?"

5 THE MONITOR: Thank you very much. Will you
6 give me just one moment, please.

7 COMMANDER COLE: Document 8223, on page 3,
8 reads as follows:

9 "Q Who instructed you to ask for the death
10 penalty of Nelson and Auganus?

11 "A After Maj. Gen. OTAHARA completed his investi-
12 gation, he wrote an opinion based on his investigation
13 and forwarded this opinion to Lt. Gen. Eitaro UCHIYAMA,
14 Commander of the Central Army Headquarters, to get an
15 approval of the death sentence. Then after obtaining
16 the approval of Gen. UCHIYAMA, Maj. Gen. OTAHARA took
17 his opinion to General HATA who was in command of the
18 Second General Army and also got his approval of the
19 death penalty. Lastly Maj. Gen. OTAHARA took the
20 opinion to the War Ministry in Tokyo and the death
21 penalty was also approved. Then on the 18th day of
22 July, 1945, I presented this opinion with the approvals
23 of Gen. UCHIYAMA, Gen. HATA and the War Ministry, to
24 the Military Discipline Conference and demanded the
25 death penalty by reading the opinion and the approvals

1 to the Judges of the Military Discipline Conference.

2 "Q Was Lt. Nelson and Sgt. Auganus permitted to
3 say anything in their own defense at the Military
4 Discipline Conference?

5 "A I remember Nelson saying that he was only
6 obeying the orders of his higher officers that he
7 bomb Japan. I don't remember Sgt. Auganus saying
8 anything. That was his defense."

9 MR. BLEWETT: If the Court please ---

10 THE PRESIDENT: Mr. Blewett.

11 MR. BLEWETT: Inasmuch as one of the
12 accused has been mentioned in this affidavit, we feel
13 that the witness should be produced, if available. May
14 we have a ruling on the request, sir.

15 THE PRESIDENT: The matter is of vital
16 importance, and the witness, if available, should be
17 produced.

18 COMMANDER COLE: Since the Court desires it,
19 the prosecution will make every effort to procure this
20 witness.

21 Prosecution document No. 8284, the affidavit
22 of Private Owen R. Kobert, sworn to 16 September 1945,
23 is offered for identification. The marked excerpts
24 therefrom are offered in evidence.
25

THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution document
2 No. 8284 will receive exhibit No. 1929 for identifica-
3 tion only, and the marked excerpts therefrom will re-
4 ceive exhibit No. 1929A.

5 (Whereupon, the document above re-
6 ferred to was marked prosecution's exhibit
7 No. 1929 for identification, and the marked
8 excerpts therefrom were marked prosecution's
9 exhibit No. 1929A and received in evidence.)

10 COMMANDER COLE: This affidavit describes the
11 maltreatment of the prisoners at Camp No. 17, Omuta.
12 Deponent was forced to kneel on bamboo poles in the
13 guardhouse for five hours and was beaten with a club
14 about six inches wide, $1\frac{1}{2}$ inches thick and about as
15 long as a baseball bat. An Australian had to have
16 both legs amputated above the ankle because his feet
17 froze when he was forced to kneel on bamboo poles.

18 Deponent saw prisoners beaten with steel
19 rods about $\frac{1}{4}$ inch thick and three or four feet long.
20 Some of the prisoners were made to stand in a puddle
21 of water and then were shocked unconscious by a 110
22 volt electric wire. Some prisoners caught pneumonia
23 by having cold water thrown on them in the winter just
24 as they started out for work.
25

Prosecution document No. 8051, the affidavit

1 of Corporal A. L. Owens, sworn to 1 November 1945,
2 is offered for identification. The marked excerpts
3 therefrom are offered in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 8051 will receive exhibit No. 1930 for identifi-
7 cation, and the marked excerpts therefrom will receive
8 exhibit No. 1930A.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1930 for identification, and the marked
12 excerpts therefrom were marked prosecution's
13 exhibit No. 1930A and received in evidence.)

14 COMMANDER COLE: This affidavit describes
15 the torture of a U. S. Marine Private at Camp No. 8,
16 Hitashi in June, 1945. All the Japanese guards,
17 numbering about ten, beat the prisoner with sticks,
18 fists, and clubs off and on for about five hours.
19 They threw water on him to revive him, and then beat
20 him again. He was beaten so badly that the United
21 States Army doctors at first did not expect him to
22 live.

23 Prosecution document No. 8142, the affidavit
24 of Warrant Officer James Gatley, sworn to 18 May 1946,
25 is offered for identification. The marked excerpt

therefrom is offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution document
3 No. 8142 will receive exhibit No. 1931 for identifica-
4 tion only, and the marked excerpt therefrom will re-
5 ceive exhibit No. 1931A.

6 ("Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1931 for identification, and the marked
9 excerpt therefrom was marked prosecution's
10 exhibit No. 1931A and received in evidence.)

11 COMMANDER COLE: This affidavit states that
12 in December, 1944, at Kobe a prisoner was accused of
13 selling a raincoat to a Japanese workman and was
14 beaten by a Japanese lieutenant and twelve Japanese
15 guards with fists, rifle butts, and wooden swords.
16 Thereafter he was put in the guardroom with no
17 clothing whatever and only one blanket. The average
18 temperature at this time was 20 degrees below zero.
19 The prisoner was beaten for half an hour every day
20 for 19 days and eventually went mad and died.

21 Prosecution document No. 8016, the affidavit
22 of Lieutenant C. E. Bucke, sworn to 24 January 1946,
23 is offered for identification. Marked excerpts
24 therefrom are offered in evidence.
25

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution document
3 No. 8016 will receive exhibit No. 1932 for identifica-
4 tion only, and the marked excerpts therefrom will re-
5 ceive exhibit No. 1932A.

6 (Whereupon, the document above re-
7 ferred to was marked prosecution's exhibit
8 No. 1932 for identification, and the marked
9 excerpts therefrom were marked prosecution's
10 exhibit No. 1932A and received in evidence.)

11 COMMANDER COLE: This affidavit relates to
12 the maltreatment of prisoners of war at the mining
13 camp of Miyata. Officers as well as enlisted prisoners
14 were compelled to work 13 hours a day in the fields,
15 unloading sacks of rice and coal and emptying latrines.
16 Officers were allowed 360 grams of rice and 190 grams
17 of flour a day. During the first two weeks at the
18 camp the officers lost an average of about six pounds
19 in weight. All Japanese, military and civilian, were
20 allowed to administer corporal punishment for any
21 offense real or fancied. All Japanese, including boys
22 of sixteen, had to be saluted at all times, even in the
23 dark.

24 Medical arrangements were very bad. Deponent
25 was of the opinion that the Japanese could have made

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1 things very much better if they had wanted to. The
2 Japanese non-commissioned officers who had no knowledge
3 of medicine could overrule the Dutch medical officers
4 who were looking after the prisoners.

5 On 7 August 1945, about ninety to a hundred
6 British officers were beaten with bamboo poles and
7 sticks because the senior officer had attempted to
8 see the camp commandant to make a complaint about a
9 ten per cent reduction in the rice ration.

10 Prosecution document No. 8077, affidavit of
11 Captain A. L. Maher, sworn to 27 November 1945, is
12 offered for identification. Marked excerpts there-
13 from are offered in evidence.

14 THE PRESIDENT: Admitted on the usual terms.

15 CLERK OF THE COURT: Prosecution document
16 No. 8077 will receive exhibit No. 1933 for identifica-
17 tion only, and the marked excerpts therefrom will re-
18 ceive exhibit No. 1933A.

19 (Whereupon, the document above re-
20 ferred to was marked prosecution's exhibit
21 No. 1933 for identification, and the marked
22 excerpts therefrom were marked prosecution's
23 exhibit No. 1933A and received in evidence.)

24 COMMANDER COLE: This affidavit relates to
25 the mistreatment of prisoners of war at Ofuna Camp.

1 Deponent states (page 3):

2 "We were compelled to line up in the court-
3 yard and the Japanese guards would take turns beat-
4 ing us with wooden clubs about four feet long and one
5 and one-half inches square, which they held in both
6 hands. These were not clubs selected at random, but
7 were regular issue to the Japanese guards. While many
8 of the beatings were due to the sadism of the Japanese
9 guards, others were meted out by the camp commandant
10 as well as his superior officer in the Japanese Navy***
11 Under the guise of physical reconditioning, Japanese
12 meted out severe punishment and beating. We were
13 forced to run for long periods of time and any prisoner
14 lagging behind or dropping from the line from exhaus-
15 tion was beaten with the two-handed wood clubs. We
16 were forced to do 'push ups' and other violent exer-
17 cises for long periods of time. Failure to complete
18 these 'exercises' in a manner satisfactory to the
19 Japanese guards would result in a beating."

21 Prosecution document No. 8043, the affidavit
22 of William R. Leibold, sworn to 26 October 1945,
23 is offered for identification. Marked excerpts there-
24 from are offered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution document

1 No. 8043 will receive exhibit No. 1934 for identifi-
2 cation only, and the marked excerpts therefrom will
3 receive exhibit No. 1934A.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1934 for identification, and the marked
7 excerpts therefrom were marked prosecution's
8 exhibit No. 1934A and received in evidence.)

9 COMMANDER COLE: This affidavit confirms
10 the mistreatment of prisoners of war at Ofuna Camp
11 and gives several instances of mistreatment of
12 captured airmen resulting in death.

13 Prosecution document No. 8289, the affidavit
14 of George McRae, sworn to 9 October 1945, is offered
15 for identification. Marked excerpts therefrom are
16 offered in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution document
19 No. 8289 will receive exhibit No. 1935 for identification
20 only, and the marked excerpts therefrom will receive
21 exhibit No. 1935A.

22 (Whereupon, the document above re-
23 ferred to was marked prosecution's exhibit
24 No. 1935 for identification, and the marked
25 excerpts therefrom were marked prosecution's

exhibit No. 1935A and received in evidence.)

1
2 COMMANDER COLE: This affidavit states that
3 at Headquarters Camp, Osaka, following a B-29 air
4 raid in April, 1945, evening roll call was called
5 for the 500 or 600 prisoners and every man answering
6 to the number "29" was taken out, beaten severely
7 with bamboo sticks and forced to kneel on rock piles
8 for about 1½ hours.

9 Prosecution document No. 8234, the affidavit
10 of Chief Boatswain's Mate Philip E. Sanders, USN,
11 sworn to 21 September 1945, is offered for identifi-
12 cation. Excerpts therefrom are offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 8234 will receive exhibit No. 1936 for identifica-
16 tion, and the marked excerpts therefrom will receive
17 exhibit No. 1936A.

18 (Whereupon, the document above re-
19 ferred to was marked prosecution's exhibit
20 No. 1936 for identification, and the marked
21 excerpts therefrom were marked prosecution's
22 exhibit No. 1936A and received in evidence.)

23 COMMANDER COLE: This affidavit describes
24 conditions existing at the Osaka Main Camp at Honcho
25 and confirms the previous affidavit as to the B-29

1 beatings.

2 The prisoners at this camp were compelled
3 to work in various Osaka steel plants making parts
4 for tanks, trucks and ships, and also as stevedores
5 they loaded and unloaded ammunition, tank parts,
6 plane parts, rifles and other military equipment.
7 The camp was within a few blocks of warehouses,
8 ferries and piers at which men of war frequently
9 were tied up. The camp was not marked and was wiped
10 out with the surrounding area in a B-29 raid in
11 June 1945.

12 The affidavit states that beatings were
13 a very common procedure. Deponent was severely
14 beaten at least twenty-five times during his stay
15 at this camp. Over 95 per cent of the prisoners
16 received a severe beating at one time or another.
17 About twenty-five or thirty prisoners had their ear
18 drums broken by blows on the head.
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1 The affidavit states on pages 6, 7 and 8:

2 "Other favorite punishments used by the Jap-
3 anese were restrictions on the amount of food a man
4 could have, including completely cutting off his
5 food for one or two days, cutting out the food of
6 the whole barracks for the offense of one man, forc-
7 ing a man to stand with a bucket of sand over his
8 head with his arms stiff, forcing a man to kneel
9 on the cobblestones, which were very sharp, for a
10 period of two or three hours, or putting a man in
11 a water tank, which served the camp with fire water,
12 for the night. The tank was about five feet deep
13 and this punishment was administered even in cold
14 weather. At least two or three men in the camp
15 were hit daily with swords in scabbards, rifles, sticks
16 or any other weapon handy at that time. ***

17 "The average number of men in our camp was
18 between 650 and 700 men. Of these, about 120 or
19 more men died in the 2½ years we were interned at
20 Honcho. *** Most of the deaths occurred from pneu-
21 monia, beriberi or dysentery.

22 "About 15 of the deaths in the camp were due,
23 I believe, to forcing the men to work while sick
24 and while giving them no medical attention."

25 "The Japanese provided us with practically no

1 medicine or medical or surgical facilities while we
2 were in camp. Although we had experienced men to
3 treat our sick and wounded, we had no facilities
4 they could use. In March 1943 we received 40 cases
5 of medicine and medical supplies from the Red Cross.
6 These were supposed to serve the 22 camps in the
7 Osaka area. However, the Japanese refused to allow
8 anything more than a small trickle of these supplies
9 to be delivered to the other Osaka camps. At the
10 time the camp was wiped out on 1 June 1945, we still
11 had about 90 per cent of these medical supplies on
12 hand, although they could have been used very well
13 to save the lives of men and prevent their suffering
14 in the other Osaka camps."

15 Prosecution Document No. 8197, the affidavit
16 of Pvt. H. H. Pauley, sworn to 6 October 1945, is
17 offered for identification. The marked excerpts
18 therefrom are now offered in evidence.

19 THE PRESIDENT: Admitted on the usual terms.

20 CLERK OF THE COURT: Prosecution document
21 No. 8197 will receive exhibit No. 1937 for identifica-
22 tion, and the marked excerpts therefrom will receive
23 exhibit No. 1937-A.

24 (Whereupon, the document above referred
25 to was marked prosecution's exhibit No. 1937

1 for identification; the excerpt therefrom being
2 marked prosecution's exhibit No. 1937-A and
3 received in evidence.)

4 COMMANDER COLE: This affidavit states that
5 at Kobe Camp No. 3 there were about sixty deaths
6 the first winter, most of which were due to lack
7 of medical care and malnutrition.

8 Prosecution Document No. 8074, the affi-
9 davit of Sgt. W. H. Linderfelt, sworn to 4 October
10 1945, is offered for identification. The marked
11 excerpts therefrom are now offered in evidence.

12 THE PRESIDENT: Admitted on the usual terms.

13 CLERK OF THE COURT: Prosecution document No.
14 8074 will receive exhibit No. 1938 for identification
15 only, and the marked excerpts therefrom will receive
16 exhibit No. 1938-A.

17 (Whereupon, the document above referred
18 to was marked prosecution's exhibit No. 1938
19 for identification; the excerpt therefrom
20 being marked prosecution's exhibit No. 1938-A
21 and received in evidence.)

22 COMMANDER COLE: This affidavit describes the
23 excessive and illegal punishment inflicted for minor
24 infractions of the rules upon prisoners of war at
25 Yokkaichi Camp. Deponent states at page 1:

1 "At three separate times I witnessed priso-
2 ners (five in all) who were strung upon ladders,
3 hands tied to upper rungs so that their feet could
4 not touch the ground. They were made to remain in
5 that position from three to four hours at a time
6 for several days. Sometimes weights were placed
7 on their feet. When in that position they were
8 beaten with sticks, belts and fists. Generally
9 these beatings produced open cuts on their bodies
10 into which guards threw salt. During this treatment
11 the prisoners were given no food. Three of this
12 group of five men were given this punishment for
13 heaving stolen food and the other two for trying to
14 get out of the barracks building during air raids.
15 This punishment was so severe that the men begged
16 the Japanese guards to kill them."

17 Prosecution document No. 8291, the affidavit
18 of Sgt. Frank E. Pick, sworn to 8 October 1945, is
19 offered for identification. The marked excerpts
20 therefrom are offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution document
23 No. 8291 will receive exhibit No. 1939 for identifice-
24 tion only, and the excerpts therefrom will be exhibit
25 No. 1939-A.

1 (Whereupon, the document above referred
2 to was marked prosecution's exhibit No. 1939
3 for identification; the excerpt therefrom being
4 marked prosecution's exhibit No. 1939-A and re-
5 ceived in evidence.)

6 COMMANDER COLE: This affidavit describes a
7 case of mass punishment at Hirohata Camp in May,
8 1945. Affiant states that as a result of the theft
9 of a quantity of food all the prisoners were com-
10 pelled to remain kneeling for approximately six hours.
11 At the end of that time nine prisoners confessed to
12 the theft and were thereupon beaten by the camp
13 staff with baseball bats, clubs, rope and fire hose
14 for about four and one-half hours. When one of the
15 prisoners became unconscious he would be revived
16 and then beaten again.

17 In another case described in the affidavit
18 a prisoner who inadvertently failed to salute a Japan-
19 ese guard was given the water cure for about an hour
20 and then beaten into unconsciousness.

21 THE PRESIDENT: We will recess now until half-
22 past one.

23 (Whereupon, at 1200, a recess was taken.)
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AFTERNOON SESSION

The Tribunal met, pursuant to recess, at 1330.

MARSHAL OF THE COURT: The International Military Tribunal for the Far East is now resumed.

THE PRESIDENT: Commander Cole.

COMMANDER COLE: Prosecution document No. 8078, the affidavit of Staff Sergeant William Mahoney, sworn to 12 March 1946, is offered for identification. Marked excerpts therefrom are offered in evidence.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Prosecution's document No. 8078 will receive exhibit No. 1940 for identification only. The marked excerpt therefrom will receive exhibit No. 1940-A.

(Whereupon, prosecution's document No. 8078 was marked prosecution's exhibit No. 1940 for identification; and the excerpt therefrom was marked prosecution's exhibit No. 1940-A and received in evidence.)

COMMANDER COLE: This affidavit states that at Camp No. 3, Fukucka, one prisoner stole three fish and as a result all the prisoners in the camp were

1 denied food during two meals. Not only the culprit,
2 but all the other men on his detail were severely
3 beaten.

4 Another prisoner stole a Japanese shirt, and
5 as a punishment all the prisoners in his barracks
6 were required to stand up all night and were then
7 denied breakfast. Six other prisoners in the same
8 barracks were severely beaten for not turning the
9 culprit in. Such collective punishments were sanctioned
10 by the commanding officer of the camp, who was always
11 present at the time. Protests were made about these
12 collective punishments, but nothing was ever done.

13 Prosecution document No. 8095, the affidavit
14 of Sergeant Matthew D. Monk, sworn to the third day
15 of October 1945, is offered for identification. Marked
16 excerpts therefrom are offered in evidence.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Prosecution's document
19 No. 8095 will receive exhibit No. 1941 for identification
20 only. The marked excerpt therefrom will receive
21 exhibit No. 1941-A.

22 (Whereupon, prosecution's document
23 No. 8095 was marked prosecution's exhibit
24 No. 1941 for identification; and the excerpt
25 therefrom was marked prosecution's exhibit

1 No. 194. A and received in evidence.)

2 COMMANDER COLE: This affidavit describes an
3 instance of excessive and illegal punishment which
4 occurred at Norima Camp near Nagoya. A prisoner named
5 Wagner was driven by hunger to steal food from the
6 camp galley on several occasions. After the second
7 theft, Wagner was unable to return to his barracks in
8 time to avoid discovery, and in order to escape punish-
9 ment he attempted suicide. While in a weakened
10 condition from loss of blood, Wagner suffered the fol-
11 lowing tortures at the hands of the Japanese camp
12 personnel:

13 a. The Japanese commanding officer, the
14 camp non-commissioned officer and the interpreter each
15 kicked Wagner in the head four or five times as he lay
16 on the ground.

17 b. Wagner was tied hand and foot and seated in
18 front of the guardhouse for a period of 72 hours, during
19 which time he was permitted no food or water, and the
20 Japanese camp personnel beat him with clubs.

21 c. Thereafter Wagner was placed in the guard-
22 house on reduced rations. He was to receive a GI spoon-
23 ful of rice and one-half cup of tea three times a day
24 for thirty days.

25 d. When this period had almost elapsed, the

1 Japanese announced that Wagner was dead. No examination
2 of the body was permitted, but it was the opinion of
3 the prisoners who saw Wagner placed in the casket that
4 he was still alive and breathing at that time.

5 Prosecution document No. 8171, the affidavit
6 of Corporal Alexis J. Mott, sworn to 13 October 1945,
7 is offered for identification. Marked excerpts there-
8 from are offered in evidence.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Prosecution's document
11 No. 8171 will receive exhibit No. 1942 for identification
12 only. The marked excerpt therefrom will receive exhibit
13 No. 1942-A.

14 (Whereupon, prosecution's document
15 No. 8171 was marked prosecution's exhibit
16 No. 1942 for identification; and the excerpt
17 therefrom was marked prosecution's exhibit
18 No. 1942-A and received in evidence.)

19 COMMANDER COLE: This affidavit states that at
20 Camp D1, Yokohama, prisoners were forced to work in
21 shipyards building different types of vessels, including
22 naval cruisers, aircraft carriers and tenders, and
23 preparing many types of Japanese naval vessels. No
24 bomb shelters other than open ditches were provided
25 for the prisoners.

1 Prosecution document No. 8118, affidavit of
2 Lieutenant Colonel Robin R. Petrie, sworn to the 29th
3 day of January 1946, is offered for identification, and
4 marked excerpts therefrom are offered in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution's document
7 No. 8118 will receive exhibit No. 1943 for identification
8 only. The marked excerpt therefrom will receive exhibit
9 No. 1943-A.

10 (Whereupon, prosecution's document
11 No. 8118 was marked prosecution's exhibit
12 No. 1943 for identification; and the excerpt
13 therefrom was marked prosecution's exhibit
14 No. 1943-A and received in evidence.)

15 COMMANDER COLE: This affidavit states that
16 at Motoyama Camp the prisoners were compelled to work
17 in a coal mine an average of twelve hours daily.
18 Safety conditions were wholly inadequate and this
19 led to a number of unnecessary injuries. The floor of
20 the mine was often covered with water up to one foot in
21 depth.

22 In the spring of 1943, deponent complained to
23 the Red Cross representative about the long working
24 hours under unsatisfactory conditions and the fact that
25 the men had been given no day off during the entire month

1 proceeding. Shortly after this, deponent was beaten
2 by the senior Japanese non-commissioned officer on the
3 pretext that he was responsible for a breach of some
4 minor camp regulation. A month later when the Red Cross
5 representative made another inspection, deponent was
6 placed in solitary confinement for five days upon the
7 same pretext in order that he should not be able to
8 repeat his complaint to the Red Cross representative.

9 Prosecution document No. 8266, the affidavit
10 of Oliver E. G. Roberts, sworn to 30 August 1946, is
11 offered for identification, and marked excerpts there-
12 from are offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution's document
15 No. 8266 will receive exhibit No. 1944 for identifica-
16 tion only, and the marked excerpt therefrom will receive
17 exhibit No. 1944-A.

18 (Whereupon, prosecution's document
19 No. 8266 was marked prosecution's exhibit
20 No. 1944 for identification; and the excerpt
21 therefrom was marked prosecution's exhibit
22 No. 1944-A and received in evidence.

23 COMMANDER COLE: This affidavit describes the
24 illegal conditions of work in the camp at Orio.

25 The affidavit states that the prisoners were

1 put to work in a coal mine where conditions were very
2 bad. There was a lot of water in the mine and the roof
3 was dangerous. On one occasion the roof fell in and
4 caused two or three deaths. The men were forced to
5 work ten hours a day and on one occasion went for
6 twenty-one days without rest.

7 Affiant states, page 1:

8 "In the winter time the cold was intense and
9 we were given very thin blankets which did not keep
10 us warm. In consequence, there were a number of cases
11 of pneumonia and five or six Australians died from
12 pneumonia.

13 "American Red Cross parcels were sent to the
14 camp but most of the contents were stolen by Japanese
15 guards.

16
17 "Throughout the whole of the time that we were
18 in this camp medical supplies were very short and be-
19 cause of this a number of deaths took place.

20 "One Japanese at this camp with a name like
21 'Degus' used to pick the lice off the men's clothes
22 and make the men eat them."

23 Prosecution document No. 8029, the affidavit
24 of Captain James F. Lawrence, sworn to 20 January 1946,
25 is offered for identification. Marked excerpts there-
from are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document

3 No. 8029 will receive exhibit No. 1945 for identification
4 only. The marked excerpt therefrom will receive exhibit
5 No. 1945-A.

6 (Whereupon, prosecution's document

7 No. 8029 was marked prosecution's exhibit
8 No. 1945 for identification; and the excerpt
9 therefrom was marked prosecution's exhibit
10 No. 1945-A and received in evidence.)

11 COMMANDER COLE: This affidavit describes the
12 working conditions at Hosakura Camp. The prisoners
13 arrived at the camp from Singapore wearing tropical
14 clothes. No clothing was issued by the Japanese although
15 the Japanese laborers were supplied with warm clothing.
16 The prisoners performed hard manual labor in a mine.
17 The rations were so inadequate that all prisoners
18 suffered from malnutrition. In February 1945, two
19 prisoners a week died of pneumonia. About sixty
20 prisoners in all died as a result of starvation and the
21 inhuman treatment of the Japanese.

22 Prosecution document No. 8082, the statement
23 of John H. Marshall, dated 8 September 1945, is offered
24 for identification. Marked excerpts therefrom are
25 offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 8082 will receive exhibit No. 1946 for identification
4 only. The marked excerpt therefrom will receive
5 exhibit No. 1946-A.

6 (Whereupon, prosecution's document
7 No. 8082 was marked prosecution's exhibit
8 No. 1946 for identification; and the excerpt
9 therefrom was marked prosecution's exhibit
10 No. 1946-A and received in evidence.)

11 COMMANDER COLE: This affidavit describes the
12 maltreatment of prisoners of war at Umeda Bunsho Camp,
13 Osaka.

14 Deponent states, on page 1:

15 "At these work stations we were beaten,
16 kicked, and generally mistreated by the civilian and
17 army men that were in charge. This treatment and the
18 lack of any medical supplies started the deaths of
19 these men. Approximately four months after our arrival
20 in Osaka, about 25 per cent of our men had died. This,
21 in my opinion, was caused from starvation, exposure
22 and diseases resulting from malnutrition and the brutal
23 beatings that we suffered."
24
25

1 Prosecution document No. 8065, the affidavit
2 of Corporal Charles E. Maurer, sworn to 6 October
3 1945, is offered for identification and the marked
4 excerpts therefrom are offered in evidence.

5 THE PRESIDENT: Admitted on the usual terms.

6 CLERK OF THE COURT: Prosecution document
7 No. 8065 will receive exhibit No. 1947 for identifi-
8 cation only and the marked excerpt therefrom will
9 receive exhibit No. 1947-A.

10 (Whereupon, the document above
11 referred to was marked prosecution's ex-
12 hibit No. 1947 for identification; the
13 marked excerpts therefrom being marked
14 prosecution's exhibit No. 1947-A and
15 received in evidence.)

16 COMMANDER COLE: This affidavit confirms the
17 inhuman conditions at Umeda Bunsho Camp, Osaka.
18 Deponent states (page 1):-

19 "At Osaka there were originally 458 men;
20 120 died in the first four months from poor food and
21 exposure. Our food was 570 grams of rice per man per
22 day, which was inadequate for men working. If you
23 did not work, this ration was reduced and in the
24 hospital toward the end, patients were given only
25 300 grams of food per day. The Japanese gave us very

1 little in the way of clothing."

2 Prosecution document No. 8104, the affidavit
3 of Alexander Meredith, sworn to 5 September 1946,
4 is offered for identification and the marked excerpts
5 therefrom are offered in evidence.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 8104 will receive exhibit No. 1948 for identifi-
9 cation only. The marked excerpts therefrom will
10 receive exhibit No. 1948-A.

11 (Whereupon, the document above
12 referred to was marked prosecution's ex-
13 hibit No. 1948 for identification; the
14 marked excerpts therefrom being marked
15 prosecution's exhibit No. 1948-A and
16 received in evidence.)

17 COMMANDER COLE: This affidavit states that
18 at Camp D1, Yokohama, in January, 1943, more than fifty
19 per cent of the prisoners were ill with dysentery and
20 malaria. Deponent states (paragraph 3, page 1):

21 "We were employed in the Yokohama Mitsubishi
22 yards as maintenance fitters. We left for work at
23 6:30 a.m., and got back to camp about 5:00 p.m.
24 each day. Sick men were forced to work and in the
25 first three months forty-five men died from pneumonia

1 and malnutrition. With adequate medical supplies,
2 proper food and clothing and medical treatment these
3 men would not have died.

4 "Food was at all times inadequate and in
5 the summer of 1943 the meager rations were reduced
6 by about one half. The result was that beriberi
7 became prevalent and practically everyone suffered
8 from malnutrition."

9 Prosecution document No. 8203, affidavit of
10 Lance Sergeant Arnold F. Caddy, sworn to 25 January
11 1946, is offered for identification and the marked
12 excerpts therefrom are offered in evidence.

13 THE PRESIDENT: Admitted on the usual terms.

14 CLERK OF THE COURT: Prosecution document
15 No. 8203 will receive exhibit No. 1949 for identifi-
16 cation only. The marked excerpts therefrom will
17 receive exhibit No. 1949-A.

18 (Whereupon, the document above
19 referred to was marked prosecution's ex-
20 hibit No. 1949 for identification; and
21 the marked excerpts therefrom being
22 marked prosecution's exhibit No. 1949-A
23 and received in evidence.)

24 COMMANDER COLE: This affidavit relates to
25 conditions at Sendeyu. The affidavit states that the

1 Japanese medical officer persistently refused to allow
2 the Allied doctor to give any medical attention to
3 sick men. This resulted in the death of at least one
4 prisoner.

5 Affiant states (page 3):-

6 "From the treatment meted out at all the
7 camps, it was clear that the Japanese policy as carried
8 out by various Camp Commanders and their subordinates
9 was to keep POWs in a low state of health and morale
10 by keeping them short of food and by severe treatment
11 and humiliation."

12 Prosecution document No. 8119, affidavit
13 of Major Francis J. Murray, sworn to 23 January 1946,
14 is offered for identification. Marked excerpts there-
15 from are offered in evidence.

16 THE PRESIDENT: Admitted on the usual terms.

17 CLERK OF THE COURT: Prosecution document
18 No. 8119 will receive exhibit No. 1950 for identifi-
19 cation only and the marked excerpts therefrom will have
20 exhibit No. 1950-A.

21 (Whereupon, the document above
22 referred to was marked prosecution's ex-
23 hibit No. 1950 for identification; the
24 marked excerpts therefrom being marked
25 prosecution's exhibit No. 1950-A and

25

THE PRESIDENT: Admitted on the usual terms.

1 received in evidence.)

2 COMMANDER COLE: This affidavit relates to
3 prisoner of war Branch Camp No. 1 at Hakodate. Affiant
4 was a medical officer and was placed in charge of the
5 camp hospital. In December 1943, one of the prisoners
6 complained of a pain in his left knee. Deponent
7 diagnosed the illness as acute osteomyelitis which
8 required an immediate operation, and at once asked
9 the camp commandant for permission to take the patient
10 to a local factory hospital near the camp where full
11 operating facilities were available. Such permission
12 was refused. Deponent thereupon requested to have
13 the necessary surgical instruments brought into camp
14 so he could perform the operation himself, but this
15 was also refused. As a result, the patient died a
16 few days later. At this camp the Japanese medical
17 personnel compelled several prisoners to sign hundreds
18 of chits for medicines which had not been issued, and
19 which the Japanese apparently sold or gave to their
20 friends.

21 Prosecution document No. 8116, the affidavit
22 of Captain Allan Berkeley, sworn to 31 January 1946,
23 is offered for identification. The marked excerpts
24 therefrom are offered in evidence.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Prosecution document
2 No. 8116 will receive exhibit No. 1951 for identifi-
3 cation only. The marked excerpts therefrom will
4 receive exhibit No. 1951-A.

5 (Whereupon, the document above
6 referred to was marked prosecution's ex-
7 hibit No. 1951 for identification; the
8 marked excerpts therefrom being marked
9 prosecution's exhibit No. 1951-A and
10 received in evidence.)

11 COMMANDER COLE: This affidavit relates to
12 conditions at Camp No. 4, Fukuoka. Affiant was the
13 medical officer at this camp and states that there
14 were plenty of medical supplies in the camp but the
15 prisoners were never allowed sufficient for their needs.
16 At least one death resulted.

17 Prosecution document No. 8161, affidavit of
18 John W. Viney, sworn to 25 January 1946, is offered
19 for identification and marked excerpts therefrom are
20 offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution's document
23 No. 8161 will receive exhibit No. 1952 for identifi-
24 cation only. The excerpt therefrom will receive
25 exhibit No. 1952-A.

(Whereupon, the document above referred to was marked prosecution's exhibit No. 1952 for identification; the excerpts therefrom being marked prosecution's exhibit No. 1952-A and received in evidence.)

COMMANDER COLE: This affidavit relates to the prison camp at Kawasaki. Affiant states (pages 2 and 3):-

"Although there were ample American Red Cross supplies in the store, the medical sergeant OSAWA refused to supply any, although he was repeatedly requested so to do by our doctor. This applied also to surgical instruments, and the doctor was forced to get (from) the blacksmith whatever instruments he could.

"OSAWA consistently refused medical treatment to sick men. About thirteen deaths occurred in three years, partly through his neglect, and but for the fact that the POWs were able to steal fruit and other food, many would have died from beriberi."

Prosecution document No. 8107, the affidavit of Staff Sergeant Michael J. Robertson, sworn to 19 October 1945, is offered for identification. Marked excerpts therefrom are offered in evidence.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution document
3 No. 8107 will receive exhibit No. 1953 for identifi-
4 cation only. The marked excerpts therefrom will receive
5 exhibit No. 1953-A.

6 (Whereupon, the document above
7 referred to was marked prosecution's ex-
8 hibit No. 1953 for identification; the
9 marked excerpts therefrom being marked
10 prosecution's exhibit No. 1953-A and
11 received in evidence.)

12 COMMANDER COLE: This affidavit describes
13 the maltreatment of airmen and refusal of medical
14 aid. Affiant bailed out of a B-29 over metropolitan
15 Tokyo, and after being beaten by a mob of Japanese
16 men and women, was taken to the Kempei Tai Headquarters
17 in Tokyo for interrogation where he was beaten with
18 a bamboo stick. At this time he was suffering from
19 a broken leg and severe shrapnel wounds in both legs.
20 No medical attention was given to him.

21 Affiant saw another U.S. pilot who was brought
22 to the same cell in a semi-delirious condition and with
23 marks of torture on his hands. No medical attention
24 was given this pilot, and he died the same night.

25 Prosecution document No. 8163, the affidavit

1 of Sgt. Harry Slater, sworn to 12 October 1945, is
2 offered for identification and marked excerpts
3 therefrom are offered in evidence.

4 THE PRESIDENT: Admitted on the usual terms.

5 CLERK OF THE COURT: Prosecution document
6 No. 8163 will receive exhibit No. 1954 for identifi-
7 cation only and the marked excerpts therefrom will
8 receive exhibit No. 1954-A.

9 (Whereupon, the document above
10 referred to was marked prosecution's ex-
11 hibit No. 1954 for identification; the
12 marked excerpts therefrom being marked
13 prosecution's exhibit No. 1954-A and
14 received in evidence.)

15 COMMANDER COLE: This affidavit confirms the
16 refusal of medical aid to captured Allied airmen.

17 Prosecution document No. 8349, the affidavit
18 of Philip E. Sanders, CBM, USN, sworn to 12 April,
19 1946, is offered for identification. Marked excerpts
20 therefrom are offered in evidence.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Prosecution document
23 No. 8349 will receive exhibit No. 1955 for identifi-
24 cation only and the marked excerpt therefrom will
25 receive exhibit No. 1955-A.

1 (Whereupon, the document above
2 referred to was marked prosecution's ex-
3 hibit No. 1955 for identification; the
4 marked excerpts therefrom being marked
5 prosecution's exhibit No. 1955-A and
6 received in evidence.)

7 COMMANDER COLE: Deponent states that in
8 April and May, 1945, there were persistent rumors that
9 in event America won the war the prisoners would all
10 be killed. Deponent was told by a Japanese interpreter
11 that if there were naval landings on Japan the prisoners
12 would never see home. Prisoners were given rougher
13 treatment every time there was an American air raid.

14 If the Tribunal please, this completes the
15 documentary evidence for the Japan phase of this case.

16 THE PRESIDENT: Mr. Justice Mansfield.

17 MR. JUSTICE MANSFIELD: If the Tribunal please,
18 the section of this phase covering offences at sea and
19 on certain Pacific islands will be presented by Captain
20 Robinson after the evidence to be introduced by Colonel
21 Woolworth relating to the individual responsibility
22 of the accused.

23 I now present to the Tribunal Colonel G.S.
24 Woolworth.
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1 THE PRESIDENT: Colonel Woolworth.

2 MR. WOOLWORTH: Mr. President and Members of
3 the Tribunal:

4 It is now proposed to show the individual
5 responsibility of the defendants for the Class B Of-
6 fenses, ample evidence of the commission of which has
7 already been introduced covering Japan Proper as well
8 as all territory occupied by Japanese troops. It may
9 well be - as suggested by Mr. Justice Mansfield in his
10 opening statement - that the identical pattern followed
11 by the Japanese Army and Navy in every area in the
12 treatment of prisoners of war, civilian internees and
13 native population, necessitates the inference of guilt
14 of those officials of the Government of Japan, such as
15 members of the Cabinet and some other high officials of
16 the Government, of officers of the Imperial GHQ, and of
17 those officers of the Army and Navy in command in the
18 various areas where these offenses took place. At the
19 risk of redundancy, and so that this Tribunal need not
20 rely upon implications or inferences, however convincing,
21 this additional evidence will be adduced.

22
23 First, it is desired to invite the attention of
24 the Tribunal as briefly as possible to the official
25 position occupied by certain of the defendants at the
time these Class B Offenses have been proven to have been

1 committed.

2 A - (In Tokyo)

3 TOJO - was Prime Minister and concurrently
4 Minister of War - 1941-1944; also Foreign Minister -
5 2 September 1942 to 1 October 1942.

6 ARAKI - was Minister of War December 1931 to
7 July 1934.

8 HIRANUMA - was Prime Minister - January to
9 August 1939.

10 HIROTA - was Foreign Minister - September 1933
11 to March 1936; was Prime Minister and for a time Foreign
12 Minister concurrently - March 1936 to February 1937;
13 Foreign Minister - June 1937 to May 1938.

14 MATSUOKA - President of the South Manchurian
15 Railway - 1935-1939; Foreign Minister, July 1940 to
16 July 1941.

17 MINAMI - was Minister of War - April 1931 to
18 December 1931; Commander in Chief of the Kwangtung Army -
19 1934-1936.

20 KIMURA - was Vice-Minister of War - 1941 to 1944.

21 NUTO - was Chief of the Military Affairs Bureau
22 (War Ministry) - October 1939 to April 1942.

23 SATO - was Chief of the Military Affairs Bureau
24 (War Ministry) - April 1942 to December 1944.

25 KOISO - was Prime Minister - July 1944 to

1 April 1945.

2 UMEZU - was Chief of Staff of the Army -
3 July 1944 to the end of the war.

4 SHIMADA - was Minister of the Navy - October
5 1941 - February 1944; Chief of Naval General Staff -
6 February 1944 - July 1944.

7 NAGANO - was Chief of Naval General Staff -
8 1941 - February 1944

9 OKA - was Chief of Military Affairs Bureau of
10 the Navy - 1940-1944.

11 TOGO - Foreign Minister - October 1941 - 2
12 September 1942; again April 1945 to August 1945.

13 SHIGEMITSU - Foreign Minister - April 1943 -
14 April 1945.

15 KIDO - Lord Keeper of Privy Seal - 1940-1945.

16 B - (In Army Commands)

17 MATSUI - Commander in Chief of Japanese forces
18 in China - October 1937 to February 1938. (Rape of
19 Nanking, December 1937).

20 DOHIHARA - Commander in Chief of Eastern Army
21 in Japan - 1943-1944; Commander in Chief of 7th Area
22 Army in Singapore - 1944 - April 1945.

23 HASHIMOTO - Commander of Artillery Regiment
24 which shelled the "Ladybird" - 1937.

25 HATA - Commander in Chief of Expeditionary

1 Force in Central China - July 1940 - 1944.

2 ITAGAKI - Commander in Chief Japanese Army in
3 Korea - July 1941 - March 1945; Commander in Chief of
4 7th Area Army in Singapore - April 1945 - August 1945.

5 KIMURA - Commander in Chief of Japanese Army
6 in Burma - March 1944 to the end of the war.

7 MUTO - Commander of the 2nd Guards Division in
8 Sumatra, 1943; Chief of 14th Area Army in the Philip-
9 pines under General YAMASHITA in 1944.

10 SATO - Assistant Chief of Staff of China Ex-
11 peditionary Forces - January 1945; then Commander of
12 the 37th Division in Indo-China and in Thailand to the
13 end of the war.

14 UMEZU - Commander in Chief of the Kwantung
15 Army - 1939 - June 1944.

16 Second, the agreements and assurances of the
17 Japanese Government to abide by the Geneva Prisoner of
18 War Convention re the treatment of prisoners of war,
19 and so far as applicable to civilian internees, made
20 to the United States, the Governments of Britain,
21 Canada, Australia, New Zealand and Netherlands, are
22 already in evidence. It is proposed to show, by
23 evidence from official Japanese Government records,
24 directives issued in violation of such agreements and
25 assurances, and those among the defendants responsible

therefor.

1 Third, it will be shown by official Japanese
2 records of knowledge on the part of many of these de-
3 fendants of the neglect, ill-treatment and illegal
4 punishment of prisoners of war and internees.

5 Fourth, it will be shown by official records
6 of the Swiss Legation, the protecting Power, of the
7 Japanese Foreign Office and the Prisoner of War Inform-
8 ation Bureau, that protests in behalf of the United
9 States and Britian over failure to permit visits to
10 prisoner of war camps and against inhuman treatment
11 of prisoners of war, showed notice to many of these
12 defendants whose duty it was to permit such visits and
13 to put a stop to such inhumane treatment.

14 Fifth, statistics from official records of
15 Australia, Canada, the United Kingdom, New Zealand,
16 and the United States, will show the number of prisoners
17 of war and the number who died in captivity.
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1 MR. HOWARD: Mr. President.

2 THE PRESIDENT: Mr. Howard.

3 MR. HOWARD: I would like to call the
4 Tribunal's attention to page 2 wherein Colonel Wool-
5 worth says that "KIMURA was Vice-Minister of War"
6 from "1941 to 1944." This is a misstatement which
7 has been made on other occasions.

8 Exhibit 113, which concerns KIMURA, Heitaro,
9 on page 5 gives the date "April 10, 1941" as the date
10 upon which KIMURA was appointed War Vice-Minister.
11 Page 8: "Relieved of present post at his own re-
12 quest"; date: "March 11, 1943." The evidence will
13 show that during that year that the prosecution have
14 attributed to him as being Vice War Minister, KIMURA
15 was on a technical job with the Ordnance; for all of
16 the things with which he was charged in that fatal
17 year, he was in a position where he could not have
18 been guilty of them.

19 THE PRESIDENT: If the prosecution contests
20 what you are saying, you are quite out of order. You
21 can give this in the course of giving the evidence
22 for the defense. You are justified so far as relying
23 on exhibit No. 113, but you are going further now.

24 What is the attitude of the prosecution?

25 MR. WOOLWORTH: If the Tribunal please, if

1 there were an error in the statement made in the
2 opening statement, it was inadvertent. A further
3 check will be made, and we would like to advise the
4 Court of the result of our check.

5 THE PRESIDENT: It is about time these
6 periods of office were finally settled. Of course,
7 there may be some difficulty about settling them
8 finally.

9 MR. WOOLWORTH: If your Honor please, at
10 the Monday session of court we will have our check
11 completed and will advise the Court of the proper
12 dates.

13 THE PRESIDENT: As I am reminded, the Japan-
14 ese Government has furnished official records cover-
15 ing these matters.

16 MR. WOOLWORTH: As I understand it, the
17 prosecution is perfectly willing to stand by the
18 report made by the Japanese Government in exhibit
19 No. 113.

20 THE PRESIDENT: We will act on exhibit
21 No. 113 until the contrary is proved.

22 MR. HOWARD: I would like to point out that
23 this same error was made in the other opening state-
24 ment. I had not planned to mention the matter at
25 this time, but it is so repeated and so unjust --

1 the accusations -- that I thought, possibly, we should
2 enter some of our defense at this time.

3 THE PRESIDENT: The objection to what you
4 said, Mr. Howard, was not to any evidence you quoted
5 but to evidence which you purport to forecast.

6 MR. HOWARD: Your Honor, I continue to
7 read from exhibit 113 which is the Japanese Govern-
8 ment document.

9 MR. JUSTICE MANSFIELD: If the Tribunal
10 please, I object to any further argument on it at
11 this stage. We have agreed to abide by what is set
12 out in exhibit 113. I submit that that is the end
13 of the matter.

14 THE PRESIDENT: You have already given us
15 parts of 113 that we desire to know.

16 MR. HOWARD: Would the Court be interested
17 in my pointing out another error, that is, another
18 place where their date does not coincide with the
19 opening statement of Colonel Woolworth?

20 THE PRESIDENT: I think we should allow you
21 to point out where these opening statements are in-
22 consistent with the evidence already given.

23 MR. HOWARD: Page 3 of the opening state-
24 ment: "KIMURA - Commander in Chief of Japanese Army
25 in Burma, March 1944 to the end of the war."

CHISHOLM

DIRECT

1 Page 8 of exhibit 113: "Assigned as the
2 Commander-in-Chief of the Japanese Armed Forces in
3 the Burma Area, 1944, August 30."

4 That is all, Colonel.

5 THE PRESIDENT: Colonel Woolworth.

6 MR. WOOLWORTH: Prosecution desires to call
7 as its first witness in this phase Captain James
8 Strickland Chisholm, Infantry, Australian Imperial
9 Forces.

10 - - -

11 J A M E S S T R I C K L A N D C H I S H O L M,
12 called as a witness on behalf of the prosecution,
13 being first duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. WOOLWORTH:

16 Q Please state your name, rank, organization
17 and station.

18 A Captain James Strickland Chisholm, forty
19 years old, A.I.F.

20 Q Were you ever a prisoner of war of the
21 Japanese?

22 A I was.

23 Q Where were you confined and for what period?

24 A I was in Singapore from the 15th of February,
25 1942 until the end of November, 1942 and then in Japan

CHISHOLM

DIRECT

1 until the finish of the war.

2 Q Where were you confined in Japan?

3 A From the 10th of December, 1942 until about
4 the 20th of August, 1944 in Naoetsu Camp.

5 Q How many Australian prisoners of war were
6 confined in this camp with you?

7 A Three hundred at the start.

8 Q With what food were you provided?

9 A Insufficient.

10 Q Please describe the quantity of food which
11 was given you customarily.

12 A It varied a great deal from a very small
13 quantity to a not so small quantity at different
14 times during my confinement. The ration consisted
15 of an average of about fifteen per cent of rice and
16 some sixty per cent of barley and the remainder of
17 corn or millet. We were also --

18 THE PRESIDENT: Your evidence will be use-
19 less unless you give the weight. Say the number of
20 ounces.

21 A (Continuing) It varied a great deal in
22 weight, but mainly about five hundred grams for
23 light workers and men who were on longer shifts got
24 slightly more.

25 Q Upon what work were the prisoners of war

CHISHOLM

DIRECT

1 employed at that camp?

2 A About half of them were in a steel mill,
3 and the other half were in a chemical factory in which
4 they were making carbon for electric arcs, for
5 furnaces. During the summer, there were also
6 parties unloading ships into barges at sea and
7 another party loading coal onto railway trucks.

8 Q What was the product of the steel mill?

9 A They were rolling steel plate and making
10 ingots of steel.

11 Q How many deaths occurred among the prison-
12 ers of war during the time you were confined at
13 Naoetsu?

14 A Sixty.

15 Q What was the principal cause of the deaths
16 among the prisoners of war?

17 A Lack of food and ill treatment, long hours
18 of work.

19 Q What do you mean by "ill treatment"?

20 A Continued bashing by guards and camp staff.

21 Q Were you furnished with ample clothing?

22 A No.

23 Q Do you recall a visit from any general
24 officers while you were confined in this camp?

25 A Several.

CHISHOLM

DIRECT

1 Q Will you name any one visit or any general
2 officer whose name you know?

3 A DOHIHARA, Kenji was one.

4 Q When did that visit occur?

5 A I can't give you the exact date. I have it
6 in my diary which is an exhibit in another court.
7 But it was somewhere in September or October, 1943.

8 Q Did you know the official position of
9 General DOHIHARA at the time he visited your camp?

10 A I did not know.

11 Q Did you observe General DOHIHARA talk to
12 any of the prisoners of war?

13 A I cannot recall him talking to any prison-
14 ers.

15 Q What were the conditions in camp at the
16 time of his visit?

17 A Very bad.

18 Q At that time, when General DOHIHARA visited
19 the camp, what was the physical condition of your-
20 self and the other prisoners of war?

21 A I was about forty pounds lighter than I am
22 now; the men were in a pitiable condition.

23 Q What, generally, were the sanitary condi-
24 tions in your camp?

25 A We, at periods, did not have a bath for

CHISHOLM

DIRECT

1 two months, the place was smothered in lice, bugs,
2 other vermin, and the latrines were crawling with
3 maggots.

4 MR. LEVIN: Mr. President.

5 THE PRESIDENT: Yes.

6 MR. LEVIN: I would like to inquire whether
7 or not the witness is referring to any notes or
8 memoranda in connection with his testimony.

9 THE WITNESS: Here in the box I have no
10 notes.

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CHISHOLM

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1 Q Were men dying of malnutrition at the time
2 of General DOHIHARA's visit?

3 A Yes.

4 Q You stated, I believe, that clothing supplied
5 was insufficient. Will you describe what clothing was
6 supplied to you, if any, and other prisoners?

7 A I don't remember the exact quantities of
8 clothing. All men had a British service dress uniform
9 which they wore through the entire period. And they
10 were also issued with overcoats which were not allowed
11 to be worn in the camp, only at work. With five feet
12 of snow on the ground it was very cold. They were
13 walking on their bare feet at times. Although there
14 were three to four hundred pairs of Red Cross boots
15 in the camp, we could not get them issued.

16 Q Was there any change for the better in con-
17 ditions at your camp after DOHIHARA's visit?

18 A None whatever.

19 THE PRESIDENT: What sort of inspection did
20 DOHIHARA make?

21 THE WITNESS: Just a routine inspection of the
22 camp quarters, and the sick men and the officers who
23 were in camp.

24 Q Does the witness know the names of any other
25 senior officers who visited the camp?

CHISHOLM

DIRECT

1 A Prince TOKUGAWA visited the camp. I don't
2 know whether he was an officer or not. I do not recall
3 any other general officers' names.

4 Q Was Prince TOKUGAWA a Red Cross representative
5 of Japan, do you know?

6 A I believe he was. I did not know at the time
7 what he was.

8 THE PRESIDENT: Mr. Blewett.

9 MR. BLEWETT: If the Court please.

10 CROSS-EXAMINATION

11 BY MR. BLEWETT:

12 Q I did not catch your rank, sir. What is it,
13 please?

14 A Captain.

15 Q Is that AIF Australian Infantry?

16 A Imperial.

17 Q What branch of the service were you in, sir?

18 A Infantry.

19 Q What was the name of this camp in Japan? I
20 did not catch that when you were testifying.

21 A Naoetsu, 4B, Tokyo.

22 Q Was that in Tokyo?

23 A No.

24 Q Where is it located, Captain?

25 A In Nigata Prefecture, on the Sea of Japan.

CHISHOLM

CROSS

1 Q You reached there in November or December
2 1942, is that correct?

3 A That is correct.

4 Q Now, on what date was this visit made by
5 General DOHIHARA?

6 THE PRESIDENT: September '43, was it not?

7 MR. BLEWETT: He said September or October,
8 sir.

9 THE PRESIDENT: Well, that is all he knows.

10 MR. BLEWETT: I mean the actual day, if he
11 knows.

12 A I cannot recall the exact day from memory.
13 But if the Court wants it, I have it in my diary.

14 Q Well, do you remember, Captain, whether or
15 not there was several feet of snow on the ground?

16 A There were definitely not.

17 Q Well, I understood you to testify that at the
18 time that the general was there that there was snow
19 on the ground, and that there were boots available
20 which were not issued to you. Now, possibly Colonel
21 Woolworth meant at a later period of time.

22 A That testimony with regard to the boots and
23 the snow was not in connection with DOHIHARA.

24 Q Thank you for clearing that up, sir. Was any
25 preparation made prior to the visit of General DOHIHARA

CHISHOLM

CROSS

with respect to the condition of the camp?

A On all such visits the camp was cleaned very thoroughly about ten or fifteen times.

Q How long would you say that the general stayed at the camp during that visit, Captain?

A I have no recollection.

Q Did you see him personally?

A I did.

THE PRESIDENT: Would you recognize him again?

THE WITNESS: I would.

THE PRESIDENT: Can you see him now?

THE WITNESS: That is him there. (Pointing to the accused DORIHARA.)

Q I think you testified on direct examination, Captain, that he simply made a cursory examination of the camp, wasn't that true?

A We were lined up in our room during that inspection, and I don't know for how long he was actually in the camp, or what he inspected other than the officers and the sick.

MR. BLEWETT: That is all, Captain, thank you.

THE PRESIDENT: Counselor SHIMANOCHI.

CROSS-EXAMINATION (Continued)

BY MR. SHIMANOCHI:

CRISHOLM

CROSS

1 Q Witness, have you ever seen Japanese soldiers
2 beat or kick other Japanese soldiers at the camp in
3 Naoetsu?

4 A I never actually saw that myself.

5 Q Have you ever heard of such cases?

6 A Frequently.

7 Q About how many times?

8 A I have no idea.

9 Q How was it at the camp in Singapore?

10 A By comparison, very good.

11 Q Was there any cases of Japanese soldiers
12 beating other Japanese soldiers in Singapore?

13 A I did not see any.

14 Q You testified, Mr. Witness, that before Gen-
15 eral DORIHARA visited the Naoetsu Camp, the camp was
16 cleaned. Were the wards where the sick prisoners of
17 war were quartered, were they also cleaned? Were the
18 quarters of the sick also cleaned?

19 A I presume so.

20 Q You testified that the Naoetsu Camp was filled
21 with lice and other bugs. Were there any such insects
22 and vermin where Japanese soldiers were quartered?

23 A Not to my knowledge.

24 Q How do you know that there were not any in
25 the Japanese quarters?

CHISHOLM

CROSS

1 A Because the interpreters were always telling
2 us they were frightened of getting them.

3 Q Do you recall the name of this interpreter?

4 A KANO.

5 Q What is KANO's first name?

6 A I cannot say.

7 MR. SHIMANOUCHI: That is all, sir.

8 THE PRESIDENT: Mr. Levin.

9 MR. LEVIN: I have just one question, Mr.
10 President.

11 CROSS-EXAMINATION (Continued)

12 BY MR. LEVIN:

13 Q In how many atrocity cases have you testified,
14 Captain?

15 A Two.

16 MR. LEVIN: That is all. There will be no
17 further examination of this witness.

18 MR. WOOLWORTH: No further questions for the
19 prosecution of this witness.

20 THE PRESIDENT: The witness is released on the
21 usual terms.

22 (Whereupon the witness was excused.)

23 MR. WOOLWORTH: The next witness for the prose-
24 cution will be former General TANAKA Ryukichi. He was
25 formerly sworn before this Court.

1 THE PRESIDENT: We will recess for fifteen
2 minutes.

3 (Whereupon, at 1450, a recess was
4 taken until 1505, after which the proceedings
5 were resumed as follows:)
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1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. McManus.

4 MR. McMANUS: Mr. President and Members of
5 the Tribunal: I would like to object to the recal-
6 ling of this witness at this time. In fact, I would
7 like to object to any further testimony at all from
8 this witness.

9 The witness TANAKA has been utilized by
10 the prosecution for four full days, at least his
11 testimony has been, on July 5, July 6, July 8 and
12 July 9. His testimony concerned events covering a
13 period of time from 1914 to 1945. No provision
14 had been made for the recalling of this witness by
15 the prosecution and no request had been made at
16 the time of his dismissal from the witness' stand
17 to the Court by the prosecution for such recall.
18 In so far as the witness has had ample opportunity
19 to testify to any facts which he might have known
20 about, I think it is highly improper to recall him
21 and to accept any additional testimony from him.

22 They are the grounds for my objection, if
23 your Honor please.

24 THE PRESIDENT: The prosecution should
25 give us some reason for recalling him, certainly.

1 MR. JUSTICE MANSFIELD: The reason for the
2 recall of this witness, if the Tribunal please, is
3 that on the original calling of the witness his
4 evidence was not directed to this phase of the case,
5 and no evidence was given by him relative to this
6 particular phase.

7 I submit, if the Tribunal please, that
8 there is no reason why a witness can not be recalled
9 in order to testify upon a matter which has not been
10 previously dealt with in his examination in chief.
11 There is no assumption here that the evidence which
12 he has given has exhausted all his knowledge, because
13 the case for the prosecution was given by phases,
14 and the defense have not so far had a right to
15 cross-examine him on this phase, which they will now
16 have.

17 MR. McMANUS: If your Honor pleases, in
18 so far as no provision had been made for his re-
19 call, I submit that the Tribunal should take into
20 consideration the only grounds for recalling this
21 man should be upon newly discovered evidence, and
22 not for the purpose of testifying to facts which
23 were already within the witness' knowledge at the
24 time when he was in this court room and on the wit-
25 ness' stand for a period of four full days.

1 THE PRESIDENT: Mr. Logan.

2 MR. LOGAN: If the Tribunal please, in ad-
3 dition to the objection made by Mr. McManus, I
4 would like to make this observation: that on the
5 prosecution's case they shouldn't be permitted to
6 take the position that they can put witnesses on
7 the stand and later recall those whom they think
8 are more favorable to their case to testify to
9 certain facts. In other words, this is not a court
10 of experimentation, where the prosecution is permit-
11 ted to test certain witnesses and recall those whom
12 they think can stand up best under cross-examination.
13 And furthermore, with all due respect to my learned
14 friend Mr. Justice Mansfield, there is a presumption
15 that once the witness is put on the stand that his
16 testimony has been exhausted, and they made no reser-
17 vation here.

18 THE PRESIDENT: The prosecution did tell us
19 that other witnesses would testify in more phases
20 than one, but they did not mention TANAKA, if my
21 recollection serves me right. The fact remains
22 that properly he could testify in only one phase.
23 If he has evidence bearing on other phases we, in
24 the exercise of our discretion, think we should hear
25 him. We will hear him.

TANAKA

DIRECT

1 RYUKICHI TANAKA, recalled as a witness
2 on behalf of the prosecution, resumed the stand
3 and testified further through Japanese interpreters
4 as follows:

5 THE PRESIDENT: You are still on your former
6 oath.

7 DIRECT EXAMINATION (Continued)

8 BY MR. WOOLWORTH:

9 Q General, what was your last service in the
10 War Ministry?

11 A Chief of the Military Service Bureau.

12 Q Your name is TANAKA, Ryukichi?

13 A Yes.

14 Q Are you familiar with the organization and
15 responsibilities of the various bureaus of the War
16 Ministry as they existed between 1940 and 1945?

17 A Yes, I know.

18 Q What is the most important bureau of the
19 War Ministry, and why?

20 MR. LOGAN: Object to the form of that
21 question, your Honor.

22 THE PRESIDENT: The objection is overruled.

23 A The most important bureau in the War Office
24 is the Military Affairs Bureau. The reasons for my
25 so stating is that the Military Affairs Bureau is in

TANAKA

DIRECT

1 charge of the army's budget, the organization, equip-
2 ment and installation of the military forces, the
3 making of domestic and external plans, the conducting
4 of propaganda, the conducting of investigation, all
5 of which constitute important functions.

6 Q Does that bureau have anything to do with
7 matters concerning international regulations affecting
8 the army?

9 A With respect to that the business was handled
10 in the military affairs section of the Military Affairs
11 Bureau.

12 Q Who handled the location and construction
13 of prisoner of war camps?

14 A The responsibility resides with the Minister
15 of War but as to the location and construction of
16 such camps, the business was handled by the military
17 section of the Military Affairs Bureau.

18 MR. LOGAN: If your Honor please, I move to
19 strike out the first portion of that answer as to
20 where responsibility lies; that is for the determina-
21 tion of the Court.

22 THE PRESIDENT: It is sufficiently a question
23 of fact for the witness to answer.

24 Q General, in the matter of protests regarding
25 the treatment of prisoners of war and requests regarding

TANAKA

DIRECT

1 prisoners of war sent to the Foreign Office, were
2 those sent to the War Ministry?

3 A Documents and other papers relating to
4 prisoners of war were sent by the Ministry of Foreign
5 Affairs to the War Office, the Home Office and the
6 Navy Ministry.

7 Q What was the course of these after reaching
8 the War Ministry?

9 A Such diplomatic documents were first sent
10 to the adjutant's office in the War Ministry and
11 from there to the military affairs section. Those
12 relating to prisoners of war were sent by the same
13 section to the Prisoners of War Information Bureau.

14 Q And if it was felt that a reply should be
15 made to the protest, who prepared the reply?

16 A Replies to be made to the authorities
17 outside of the War Office were prepared in the mil-
18 itary affairs section of the Military Affairs Bureau.

19 Q After the proposed replies were prepared
20 where did they go next?

21 A To the Foreign Office by way of the adjutant's
22 office -- War Office.

23 Q Did they go to the vice minister or the
24 minister?

25 A These went to the Foreign Office after being

TANAKA

DIRECT

1 given the approval of the minister and the vice
2 minister.

3 Q During the time that you were chief of the
4 Military Service Bureau, were meetings of the bureau
5 chiefs of the War Ministry held, and, if so, how often?

6 A Yes, they were. These conferences were held
7 twice a week.

8 Q Do you recall any such meeting at which the
9 question of treatment of prisoners of war arose?

10 A Yes, I do.

11 Q When was that?

12 A If my memory serves me right, immediately
13 after the fighting at Bataan; the end of April, 1942.

14 Q What happened at that meeting?

15 A At this conference the question as to how
16 to treat the many prisoners of war captured in the
17 various combat zones in the southern areas was deter-
18 mined.

19 Q Was General UEMURA, the chief of the Prisoner
20 of War Information Bureau, present at that meeting?

21 THE PRESIDENT: It is grossly objectionable.
22 Mr. Logan, you need not take the point.

23 Ask him who were present.

24 MR. WOOLWORTH: I withdraw the question.

25 Q Who were present at that meeting which you

TANAKA

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1 described?

2 A Those present at this conference were TOJO,
3 War Minister; KIMURA, Vice Minister; TOMINAGA, Chief
4 of the Personnel Bureau; SATO, Chief of the Military
5 Affairs Bureau; myself and KAN, Chief of the Ordnance
6 Bureau; and YOSHIZUMI, Chief of the Procurement and
7 Mobilization Bureau; KURIHASHI, Chief of the Security
8 Bureau; MIKI, Chief of the Surgeon General's Bureau;
9 OYAMA, Chief of the Legal Affairs Bureau; NAKAJIMA,
10 Chief of the -- NAKAMURA, commander of the gendarmerie;
11 HONDA, Chief of the Armored Forces Bureau; MATSUMURA,
12 Chief of the Army Press Section; other than these,
13 the private secretaries of the War Minister and the
14 Vice War Minister. That is all.
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1 Q Was there a discussion at that time in
2 connection with how prisoners of war should be
3 treated?

4 A At the request of EIMURA, Chief of the Priso-
5 ner of War Information Bureau, TOJO, War Minister,
6 gave his decision.

7 Q What was his decision?

8 A In the light of the prevailing situation
9 in Japan at that time, which was to enhance the labor
10 efficiency of the country, and in the light of the
11 slogan then current, "No work, no food," the first
12 point that was decided at this meeting was to make
13 all prisoners of war engage in forced labor.

14 With regard to this decision, UYEMUIA,
15 Chief of the Military Affairs--Prisoner of War In-
16 formation Bureau, said that making prisoners of war
17 of the rank of warrant officers and above would be
18 in violation of the Geneva Convention. But in spite
19 of the view thus expressed by UYEMUIA, War Minister
20 TOJO gave the decision of utilizing these officers
21 for labor purposes in the light of the fact that
22 Japan had not ratified the Geneva Convention, although
23 it was the government's position to respect the spirit
24 of that convention.
25

 It was decided that prisoner of war camps be

TANAKA

DIRECT

1 established not only in the southern areas but also
2 in Japan proper, in Formosa, Korea, China, and
3 Manchuria, and to send prisoners of war to these
4 areas as a means of enhancing the trust and confi-
5 dence of the peoples of Asia in Japan.

6 Q Are you familiar, General --

7 MR. BLEWETT: May I interrupt to request
8 the witness to shorten his answers? It is almost im-
9 possible to take them down. What I mean, of course,
10 is to pause and give us an opportunity to get the
11 answer correctly.

12 THE PRESIDENT: His answers are respon-
13 sive, as American counsel say. He isn't discursive,
14 but perhaps he is speaking rather rapidly. I don't
15 know. Of course he pauses for translation, Mr.
16 Blewett.

17 MR. BLEWETT: The sentences are quite
18 lengthy. The time between the pauses--if he could
19 shorten that up a bit it would help tremendously.

20 THE PRESIDENT: Witness, speak in
21 shorter sentences if you can and pause more often for
22 translation.

23 MR. T. OKAMOTO: Although, Mr. President,
24 you have kindly pointed the matter out already, in
25 view of the fact that this witness' testimony is high-

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DIRECT

1 ly important. we would like to have him speak in
2 short sentences, and we should also like to add a
3 request to the interpreters to be careful in their
4 interpretation.

5 BY MR. WOOLWORTH (Continued):

6 Q General, are you familiar with the ordinance
7 establishing the Imperial G.H.Q.?

8 A Yes.

9 Q Do you know, in general terms, what it pro-
10 vided?

11 MR. LOGAN: If the Tribunal please, I believe
12 that ordinance is in evidence and that it speaks for
13 itself.

14 MR. WOOLWORTH: It is exhibit 80.

15 THE PRESIDENT: You are not trying to test
16 his memory, Colonel, are you?

17 MR. WOOLWORTH: I will withdraw the question.

18 BY MR. WOOLWORTH:

19 Q Of whom was the Imperial General Headquarters
20 constituted?

21 A The Imperial General Headquarters was
22 separated into two parts, the Army and the Navy.
23 The Army division included the Chief of the Army
24 General Staff and the Navy.

25 THE MONITOR: Correction. The Imperial

TANAKA

DIRECT

1 General General Headquarters consisted of the Army
2 and the Navy, the Army by the Army General Staff--
3 The Imperial General Headquarters was divided into
4 the Army and Navy departments, and the Army of it-
5 self constituted the Army General Staff. The Navy
6 Department was constituted by the Naval General
7 Staff. In addition to this, the War Minister and
8 the Navy Minister participated in the Imperial
9 Headquarters as regular members. Then the Vice-
10 minister of War, the Chief of the Military Affairs
11 Bureau, and other bureau chiefs, when necessary,
12 attended as members of the staff of the War Minister.

13 The most important positions in the Imperial
14 General Headquarters were occupied by the Chief of
15 the Army General Staff and the Chief of the Navy
16 General Staff. Other important members, in their
17 order, were the Vice-chief of staff, the War Minister,
18 and the Chief of the First Division General Staff.
19 By Chief of the First Division I mean the Operations
20 chief.

21 Q Did I understand you to say that the Imper-
22 ial General Headquarters consisted of the army side
23 of the Imperial General Headquarters and the navy side?

24 A Yes, from the Army and the Navy.

25 Q The decisions in which both the Army and

1 the Navy were interested were made by the joint ac-
2 tion of their chiefs of staff and ministers of war
3 and navy, as the case might be?

4 MR. LOGAN: I object to that as leading,
5 your Honor, and I ask that counsel be given a direc-
6 tion by the Tribunal to refrain from asking leading
7 questions of a witness of this character.

8 THE PRESIDENT: I understood him to be con-
9 firming an answer, really, if I did not mistake what
10 he said, and not to be suggesting one. But you must
11 avoid leading this witness, because, as Mr. Logan
12 contends, his evidence is of vital importance.

13 MR. WOOLWORTH: That is all.

14 MR. LEVIN: Mr. President.

15 THE PRESIDENT: Mr. Levin.

16 MR. LEVIN: May we request that this witness
17 stand down until Monday morning for cross-examination?

18 THE PRESIDENT: Yes, we agree that he should,
19 Mr. Levin.

20 The witness will attend again at half past
21 nine on Monday morning. He is at liberty to go now.

22 Well, I suppose it is not desirable to go
23 on this afternoon for the next fifteen minutes. Have
24 you any evidence you could give now?

25 MR. WOOLWORTH: Yes, sir.

1 If the Court please, I desire to introduce
2 in evidence prosecution document No. 847F.

3 THE PRESIDENT: What is that document,
4 Colonel?

5 MR. WOOLWORTH: It is a letter signed by the
6 Gaimusho, Tokyo, 29 January 1942.

7 THE PRESIDENT: It states the attitude of
8 the Japanese Government toward the prisoners of war?

9 MR. WOOLWORTH: Yes.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: Prosecution document
12 No. 847F will receive exhibit No. 1956.

13 (Whereupon, the document above re-
14 ferred to was marked prosecution's exhibit
15 No. 1956 and received in evidence.)

16 MR. WOOLWORTH: (Reading) "Gaimusho, Tokyo,
17 29th January, 1942.

18 "M. le Charge d'Affaires,

19 "Following my letter dated 19th of this
20 month, I have the honour to make known to you the
21 attitude of the Imperial Government on the treatment of
22 prisoners of war:

23 "1. The Imperial Government has not yet
24 ratified the Convention relative to the treatment of
25 prisoners of war of 27th July, 1929. It is, therefore,

not bound by the said Convention. However, it will
1 apply mutatis mutandis the provisions of the said
2 Convention to English, Canadian, Australian and New
3 Zealand prisoners of war in its hands.

4 "2. As to the provisions of food and
5 clothing for prisoners of war, it will consider, on
6 condition of reciprocity, the national and racial
7 customs of the prisoners.

8 "I would be obliged if you would bring the
9 abovementioned to the knowledge of the Government of
10 Great Britain, Canada, Australia and New Zealand.

11 "Signed by the Minister."

12 The statement of source -- does the Tribunal
13 care to have the statement of source read into the
14 record?

15 THE PRESIDENT: Yes, it appears to have been
16 Foreign Minister TOGO.

17 MR. WOOLWORTH: (Reading) "Statement of
18 Source and Autenticity.

19 "I, HAYASHI, Kaoru" --

20 THE PRESIDENT: Well, do not read all that.

21 MR. WOOLWORTH: What is that?

22 THE PRESIDENT: The Minister is supposed to
23 have signed it as Foreign Minister TOGO, the accused
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1 apply mutatis mutandis the provisions of the said
2 Convention to English, Canadian, Australian and New
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23 have signed it as Foreign Minister TOGO, the accused
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25

1 MR. WOOLWORTH: Yes.

2 I desire to introduce in evidence document
3 1485B, which is a statement concerning the reply of
4 the Japanese Foreign Minister to the Argentine Charge
5 d'Affaires in Tokyo on January 29, 1942.

6 THE PRESIDENT: Admitted on the usual terms.

7 CLERK OF THE COURT: Prosecution document
8 No. 1465B will receive exhibit No. 1957.

9 (Whereupon, the document above re-
10 ferred to was marked prosecution's exhibit
11 No. 1957 and received in evidence.)

12 MR. WOOLWORTH (Reading):

13 "On January 3, 1942 the British Government
14 communicated through the Argentine Charge d'Affaires
15 in Tokyo the information that the British, Canadian,
16 Australian and New Zealand Governments would declare
17 their observance of the Geneva Prisoner of War Con-
18 vention of 1929 in respect of Japan and inquired
19 whether the Imperial Government had any intention of
20 making a similar declaration.

21 "There was another communication on January
22 5th saying that they propose to take the national and
23 racial manners and customs of the prisoners of war
24 into consideration when applying articles 11 and 12
25 of the said agreement concerning the supply of

1 provisions and clothing to the prisoners of war.

2 "To the above we communicated the follow-
3 ing to the various Governments mentioned above,
4 through the Argentine Charge d'Affaires in Tokyo on
5 January 29th:

6 "1. The Imperial Government has not
7 ratified the agreement in question and therefore
8 refuses to be bound in any way whatever by the
9 agreement, but will apply the provisions of the
10 said agreement to British, Canadian, Australian
11 and New Zealand prisoners of war within Japan's
12 jurisdiction.

13 "2. The Imperial Government will consider
14 the national and racial manners and customs of the
15 prisoners of war on a basis of reciprocity when
16 supplying clothing and provisions to the prisoners
17 of war."

18 THE PRESIDENT: Well, that document comes
19 from the Japanese Foreign Affairs Ministry, as shown
20 by the certificate.

21 MR. WOOLWORTH: I desire to introduce
22 document 1465A, which is a record of conference in
23 War Ministry regarding decision not to apply the
24 Geneva Convention and orders issued in consequence
25 thereof.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Prosecution's document
3 No. 1465A will receive exhibit No. 1958.

4 (Whereupon, the document above re-
5 ferred to was marked prosecution's exhibit
6 No. 1958 and received in evidence.)

7 MR. WOOLWORTH: (Reading)

8 "IMPERIAL JAPANESE GOVERNMENT, Central
9 Liaison Office.

10 "To: Mr. A. F. Mignone, Document Acquisi-
11 tion, IPS.

12 "From: Mr. Ohta, Central Liaison Office.

13 "Subject: Production of Document Requested.

14 "18 April 1946.

15 "With reference to your check sheet dated
16 30 March, I wish to submit herewith the required docu-
17 ment compiled by the First Demobilization Ministry.

18 "/s/ S. Ohta.

19 "SUBJECT: Record of Conference in War
20 Ministry, May 6, 1942, regarding decision not to
21 apply the Geneva Convention, and orders issued in
22 consequence thereof.

23 "There is no data to confirm whether or not
24 there was held any conference in the War Ministry on
25 May 6, 1942. However, as regards the matter of

1 non-application of the Geneva Convention the
2 following decisions of the War Ministry may be
3 cited:

4 "1. The Vice Minister of Foreign Affairs
5 under date of January 13, and 16, transmitted to the
6 War Ministry the inquiries of American, British and
7 other governments. The Ministry, following several
8 conferences, reached a decision (Annex I) and commu-
9 nicated the same to the Vice Minister for Foreign
10 Affairs on January 23. However, there are no records
11 of the conferences.

12 "2. On January 27, 1943, the Vice Minister
13 for Foreign Affairs sent an inquiry regarding the
14 application of the Prisoner of War Convention to
15 non-combattant internees. As a result of a confer-
16 ence, the Ministry reached a decision (Annex II).
17 The same was communicated by the Vice Minister of War
18 to the Vice Minister of Foreign Affairs under date
19 of February 6, however, there is no record of the
20 conference.

21 "3. The Foreign Office, under date of
22 December 12, 1941, transmitted to the War Ministry
23 the communication of the International Red Cross
24 Committee Chairmen, Max Hudar, concerning collection
25 and transmission of information regarding prisoners

1 of war. After a conference, the Ministry reached a
2 decision (Annex III), which was communicated to the
3 Foreign Office.

4 "4. The above decisions being entirely in
5 line with the fundamental principles and policy,
6 according to which the War Ministry had always
7 directed the conduct of the affairs relating to
8 prisoners of war, no orders seem to have been issued
9 in consequence of the decisions. (Existing data have
10 been examined, but it cannot be ascertained whether
11 any order was issued or not.)

12 "Annex I.

13 "Reply from Vice Minister of War to Vice
14 Minister for Foreign Affairs, January 23, 1942.
15 (Translation)

16 "In answer to your inquiries in clear
17 No. 52 and No. 53, dated January 13 and No. 85, dated
18 January 16, the views of this Ministry are as follows:

19 "I. Concerning No. 52:

20 "1. In view of the fact that the Geneva
21 Convention relating to prisoners of war was not
22 ratified by His Majesty, we can hardly announce our
23 observance of the same. But it would be safe to
24 notify the world that we have no objection to acting
25 in accordance with the Convention in the treatment

1 of prisoners of war.

2 "12. As regards providing prisoners of war
3 with food and clothing, we have no objection to
4 giving due consideration to the national or racial
5 habits and customs of the prisoners.

6 "II. Concerning No. 53 and No. 85, the
7 above views will be applicable.'

8 "Annex II.

9 "Application of the Prisoner of War Con-
10 vention to Non-Combattant Internees. (Army,
11 Ordinary No. 753, February 6, 1942) (Translation)

12 "Referring to your communication, No. 149,
13 dated January 27, 1942, on the above subject, the
14 views of this ministry are as follows:

15 "The 1929 Geneva Convention relating to
16 Prisoners of War has no binding power whatsoever on
17 Japan. But this ministry has no objection to apply-
18 ing the principles of the Convention to non-combattant
19 internees within such limits as it is applicable,
20 provided, however, that no person be subjected to
21 labor against his will.

22 "Annex III.

23 "Communication of the International Red
24 Cross Committee Chairman concerning collection and
25 transmission of information regarding prisoners of war

1 dated December 28, 1941 (Army Ordinary 9392)

2 (Translation)

3 "Referring to your communication, No. 4585,
4 dated December 12, 1941, on the above subject, the
5 views of this Ministry are as follows:

6 "The Ministry agrees to the proposal.

7 "However,

8 "a. It is not that we 'declare that we
9 are prepared to apply in practice' the provisions
10 of the Prisoner of War Convention of 1929, but that
11 we "utilize them for the convenience of transmission
12 of information."

13 "b. Information is to be transmitted by
14 telegram and other means."

15 "CERTIFICATE" --

16 THE PRESIDENT: You need not read that.

17 We will adjourn until half-past nine on
18 Monday morning.

19 (Whereupon, at 1600, an adjourn-
20 ment was taken until Monday, 6 January 1947,
21 at 0930.)
22
23
24
25